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PARLIAMENTARY DEBATES  
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# HOUSE OF LORDS

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<b>Abbreviation</b>	<b>Party/Group</b>
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
Lab Co-op	Labour and Co-operative Party
LD	Liberal Democrat
Non-afl	Non-affiliated
PC	Plaid Cymru
UUP	Ulster Unionist Party

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# House of Lords

Tuesday 7 January 2025

2.30 pm

Prayers—read by the Lord Bishop of Southwark.

## Health: Obesity Question

2.37 pm

Asked by **Baroness Boycott**

To ask His Majesty's Government what assessment they have made of the obstacles presented by industry to delivering policies to prevent obesity, and what steps they plan to avoid such obstacles.

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Baroness Merron) (Lab):** My Lords, we will make the shift from sickness to prevention to tackle the obesity crisis, working with industry where necessary and finding the most effective approach between mandatory and voluntary action. Since July, we have implemented our manifesto commitment to limit advertising of junk food to children, uprated the soft drinks industry levy and given councils clearer powers to block fast food outlets near schools, and we will continue this momentum.

**Baroness Boycott (CB):** My Lords, I thank the Minister for that reply, and it is great to hear the steps that the Government are taking, but when we held our recent inquiry into ultra-processed food, we found a considerable conflict of interest. Although this is a legal and declared conflict of interest, it happens between the scientists advising the Government on food policy and the food industry. As we and, indeed, *The BMJ* magazine, revealed, the majority of the members of the Scientific Advisory Committee on Nutrition are either directly or indirectly in receipt of food industry money. Given that obesity rates continue to rise and, on the whole, government policies have either failed or been abandoned—there have been over 700 of them—do the Government think it is now time to insist that bodies such as SACN have no declared or otherwise financial links to food companies, which, after all, are the only ones to profit from the obesity epidemic?

**Baroness Merron (Lab):** The noble Baroness refers to the report of the Food, Diet and Obesity Committee. I am grateful to her and the noble Baroness, Lady Walmsley, for chairing that committee and for the report. We are looking forward to responding by the end of this month. On the very specific question, I will look into the matter that she raised. I emphasise that our work with industry is to seek the most effective way forward between mandatory and voluntary action. What matters to us is successful outcomes in tackling what we regard to be an obesity crisis in this country.

**Lord Rennard (LD):** My Lords, does the Minister agree that one of the major problems with tackling obesity in the UK is that we are second only to the United States in our consumption of ultra-processed foods? While the steps she announced are welcome, do we not need further measures, such as providing free, healthy, nutritious school meals as an alternative to the unhealthy fast food shops close to many schools?

**Baroness Merron (Lab):** I certainly agree with the noble Lord about the need for favourable alternatives, and to educate people, particularly at a young age, about what healthy eating can look like, but it is also important to create the right environment and circumstances, and not everybody has that to hand. The provision of free school meals in the way the noble Lord referred to is of course a matter for local government to decide. I can say that the Scientific Advisory Committee on Nutrition has reviewed the evidence about ultra-processed foods and believes that further research is needed, which we have commissioned. Importantly, the committee has added UPFs to its watching brief and many are covered by existing legislation, because there are regulations on foods high in fat, salt and sugar which are applicable to ultra-processed foods.

**Lord Patel (CB):** My Lords, I am delighted to hear the Minister say that the department has commissioned some more research. The small amount of research that is available suggests that processed, and particularly ultra-processed, food causes addiction, stimulating some dopamine centres, and that people who consume ultra-processed food want more food. In a small study of two groups of people, one consuming ultra-processed food and the other not, it was found that far more calories were consumed by those eating ultra-processed food. I would be glad to hear what research the department has commissioned to address this issue.

**Baroness Merron (Lab):** The noble Lord raises a very interesting point. It is certainly the case that those who consume ultra-processed food have around 50% of their calorific intake through that matter. Where there is not clarity is on whether the foods are unhealthy due to processing or to their nutritional content. On that, the jury is out. We need to establish that. That is the why the Government's Scientific Advisory Committee on Nutrition has concluded that the association between UPFs and health is concerning. We need to get to the bottom of why that is.

**Lord Kamall (Con):** My Lords, the Minister rightly talked about the importance of creating the right environment for people to eat healthily. Some noble Lords may have seen daytime television programmes that help families to eat healthily on a budget. The challenge has always been how we take these lessons into people's homes. I recently spoke to BRITE Box, a local community charity which gives families the ingredients and a recipe card with instructions to help them to cook healthy meals together. This helps with not only budgeting but addressing obesity. Rather than a top-down approach from the Government, what steps are they and the NHS taking to work with existing projects such as BRITE Box to take a bottom-up, community-led approach to tackling obesity?

**Baroness Merron (Lab):** I thank the noble Lord and commend the organisation that he refers to—there are a number which are working very hard on this. We take a great interest in and seek to learn from such groups. This is a matter not just for the Department for Health and Social Care; it crosses government. We collaborate across government, particularly in pursuit of our health mission.

**Lord Brooke of Alverthorpe (Lab):** My Lords, does the Minister agree that alcohol is a substantial contributor to obesity and a range of related diseases? Is she aware that, notwithstanding promises given, the previous Government did not force the drinks industry to show calorific effects of their products on labels and consistently opposed doing it? Would our new Government be prepared to look at that and introduce such changes?

**Baroness Merron (Lab):** I thank my noble friend for raising that point. We are in the process of reviewing the evidence on front-of-pack nutrition labelling, which can include bottles as well as foods. We will consider whether any further action is needed to support healthier choices.

**Baroness Jenkin of Kennington (Con):** My Lords, I was a member of the Select Committee and I remind the Minister that the industry was reluctant to come and give us evidence. However, in the evidence that we took from young campaigners—the average UPF intake of some young people is 80% of their diet—they told us that they are overwhelmed with targeted advertising on social media, both from the food industry, particularly the UPF and HFSS industry, and local food chains. Do the Government have any plans to reduce that or encourage the industry to bombard them less on social media?

**Baroness Merron (Lab):** I accept the noble Baroness's point about the influences on young people, in particular. It is exactly why, in December, we laid secondary legislation to implement a 9 pm TV watershed for the advertising of less healthy food. The noble Baroness referred to social media, and we are looking into that to see what may be necessary, but I accept the link she made.

**Lord Bird (CB):** My Lords, nowhere do I see a declaration by this Government or the former Government that up to 50% of people who present themselves to our A&E and medical services are suffering from food poverty. If we threw that around more often, we might decide to do something significant about the role of poverty.

**A noble Lord:** Question!

**Lord Bird (CB):** I am sorry; I do not have a question. Forgive me.

**Noble Lords:** Oh!

**Lord Bird (CB):** My question is: when are we going to get rid of poverty?

**Baroness Merron (Lab):** As soon as possible.

**Lord Beamish (Lab):** My Lords, the Mental Health Foundation produced an excellent report on body image, which is about how not just younger people are affected by it but an increasing number of older people as well. It leads to people undertaking cosmetic surgery, some of whom go abroad because it is billed as being cheaper. What is the Minister doing to track this surgical tourism? What is the cost to the NHS?

**Baroness Merron (Lab):** My noble friend is right that there is certainly an increased cost to the NHS. I do not have the exact figures available, but I would be pleased to look into it. We are very mindful of this and advise in particular that people should not go to areas where healthcare services are not properly regulated. They do so at their own risk, and it often comes back to the NHS to put that right. This is an increasing problem and one we are seeking to tackle.

## Electric Scooters and Electric Bicycles: Pedestrian Safety *Question*

2.48 pm

*Asked by Baroness Neville-Rolfe*

To ask His Majesty's Government what consideration they are giving to introducing safeguards to protect pedestrians and the disabled when considering whether to permit additional categories of electric scooters and electric bicycles.

**The Minister of State, Department for Transport (Lord Hendy of Richmond Hill) (Lab):** My Lords, safety is our top priority, especially for our most vulnerable road users and disabled people. There will be no new categories of e-cycles or e-scooters before the impacts on these groups have been thoroughly considered. Any new regulations will be subject to public consultation before they come into force and designed with disabled people—not for them—utilising the Government's independent expert committee, the Disabled Persons Transport Advisory Committee.

**Baroness Neville-Rolfe (Con):** There are a number of troubling features about e-scooters and e-bikes, and disagreements on solutions, including licensing, insurance, speed restrictions and better enforcement, such as the impounding of vehicles ridden on the pavement, which is my favourite. The problem is getting worse. It is a Wild West out there, with deaths, injuries and a growing fear among the disabled and elderly, not to mention the mushrooming of crime. Will the Minister ensure that early action is taken and, at the very least, could he work with the mayor and the Met to introduce much more robust action in London, where this is such a problem?

**Lord Hendy of Richmond Hill (Lab):** I certainly understand the noble Baroness's point. As far as e-scooters go, the last Government commissioned the trials in 2020 and legislation was promised in 2022 but not delivered. That trial is therefore still in force and the

length of time is regrettable. A very similar Question was answered on the last sitting day before Christmas. It is a complicated area. We need to work out what the best forms of regulation are. I note her plea to me to talk to the mayor and the Metropolitan Police. Of course, the enforcement of these regulations is always a matter for chief police officers and I know that the mayor is as concerned as the Government are about this.

**Lord Hogan-Howe (CB):** My Lords, the design of these bikes is a real problem. At the moment, they are limited to 15 miles per hour, but hardly any of them observe it. By simple modifications, two things can happen: the speed can be increased to 30 miles per hour and, by pressing a button, they can maintain the speed without any cycling. We should really have something done about that. Along with all the things that the noble Baroness, Lady Neville-Rolfe, mentioned, I have argued that cyclists should be legislated against. What is the argument for not legislating for registration marks, licensing and insurance for e-cycles, which, in 2023, killed the most people on the roads that we have ever seen?

**Lord Hendy of Richmond Hill (Lab):** I certainly know that the noble Lord has a strong view on this. We had a debate in the autumn and, as I said, a Question on this before Christmas. He is right in saying that there is a limit to the legal use of pedal cycles—a maximum assisting speed of 15.5 miles per hour and a maximum power of 250 watts—and it is clear that plenty of e-cycles have been either sold or adapted that do in excess of that and, as a result, are in fact motor vehicles and should be registered, licensed, ridden and insured as such. In the end, it is up to chief police officers to enforce this. He is remarking on a subject of growing concern in our urban areas, which should be addressed by chiefs of police.

**Lord Watts (Lab):** My Lords, many bikes are being imported from abroad that are illegal. Do the Government have any plans to clamp down on the illegal importation of vehicles that should not be on the road?

**Lord Hendy of Richmond Hill (Lab):** My noble friend is right: there are plenty of imports and plenty of illegal sales of these in this country. It is a trading standards matter and there has been some action. If I leaf through these pages fast enough, I will be able to find the statistics for what we know about what has happened so far. But, of course, that is a local authority matter. In the end, we need legislation. It is a shame that it did not start with e-scooters. The Government are committed to doing something. The subject of the original Question—the effect on disabled people—is clearly of great concern and we will seek to address it.

**Baroness Brinton (LD):** My Lords, I am really grateful that the Minister just referred to disabled people. Many people in wheelchairs are finding that dockless bikes being dumped all over the pavements means that they do not just have a problem but cannot go down the street. Just before Christmas, the RNIB's most recent survey of its members said that 47% of respondents

had said that they felt unsafe on the pavements. Will the Government consider ensuring that e-scooters and e-bikes are more visually and audibly detectable? Whether or not they are illegal, they are on the pavements and causing problems. Will they also please ban dockless bikes?

**Lord Hendy of Richmond Hill (Lab):** I certainly recognise the passion with which the noble Baroness speaks. Before Christmas, the Government published the English devolution White Paper, which has in it a provision for local transport authorities to be empowered to regulate on street micromobility—that is, e-bikes and e-cycle schemes—so that local areas can shape these schemes and tackle the scourge of badly parked e-cycles and e-scooters.

**Lord Moylan (Con):** My Lords, as well as being potentially criminally ridden, these vehicles are also being used in the course of committing crime. In 2023-24, there were 11,000 offences recorded involving the use of e-bikes and e-scooters—a huge growth on previous years, and there is no sign of abatement. Do the Minister and his Government have a plan for curbing this epidemic?

**Lord Hendy of Richmond Hill (Lab):** It is easy to recognise the position the noble Lord, Lord Moylan, talked about. Indeed, he talked about it in very similar terms the week before Christmas. It is primarily a matter of enforcement by chief police officers, simply because, as he says, there may or may not be a crime in relation to the use of e-scooters and e-bikes, but crimes are being committed as a consequence of using them. This debate is one of the ways of drawing it to the attention of chief police officers, so that enforcement action is appropriately taken.

**Lord Rogan (UUP):** My Lords, despite rental e-scooters being legal for use in public places in some English cities, they remain illegal on the roads and footpaths of Northern Ireland. However, they do sometimes appear, which prompted the Police Service of Northern Ireland to take to social media before Christmas to warn that any e-scooters gifted in the Province could be used only on private land. Using his good offices, can the Minister offer an assurance that any possible change to the legal status of e-scooters in Northern Ireland will not happen without full and proper consultation with the PSNI?

**Lord Hendy of Richmond Hill (Lab):** I am certainly willing to commit to consultation with all the enforcement authorities on this, because it is very important, when we are able to do something about this, that the law is framed in a way that can be enforced both in Northern Ireland and elsewhere.

**Lord Mackenzie of Framwellgate (Non-Affl):** My Lords, one of my concerns is the number of scooters and bikes, whether electric or otherwise, ridden on the pavements. Does the Minister have any statistics on the number of people injured or killed by this method in this country?

**Lord Hendy of Richmond Hill (Lab):** I certainly have statistics about the number of people injured and killed in connection with cycling in general. I do not believe there are statistics specifically about these things being ridden on pavements, but I am not wholly sure we need to see that, because it is quite clear that riding e-scooters, e-bikes and bicycles on pavements is the wrong thing to do. The original Question is about the effect on the disabled. It is clearly a threat to the mobility of disabled people to find these cycles or scooters being either ridden or just dumped on the pavement. Both things are unsatisfactory for the mobility of our disabled people in Britain.

**Baroness Pidgeon (LD):** My Lords, given the huge safety concerns, what is the timescale for new legislation to regulate private electric bikes and e-scooters?

**Lord Hendy of Richmond Hill (Lab):** It is a shame that the previous Government did not carry through their intention to legislate in 2022. Deciding what the overall legislative policy of the Government should be is above my pay grade, but it is clear that this is an issue we need to confront and the department is thinking very clearly. The noble Baroness will recall that I wrote to her to show her the variety of rules and regulations for these things across Europe and other countries. The department is thinking about this in advance, because framing this legislation will be more difficult than it might be because of the range of solutions adopted in other countries.

## European Convention on Human Rights: 75th Anniversary *Question*

2.58 pm

*Asked by Lord Foulkes of Cumnock*

To ask His Majesty's Government what plans they have to commemorate the 75th anniversary of the European Convention on Human Rights.

**The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Ponsonby of Shulbrede) (Lab):** My Lords, this year marks the 75th anniversary of the signing of the European Convention for the Protection of Human Rights and Fundamental Freedoms, known as the ECHR. This Government are proud that the UK was one of the original drafters of the ECHR and will use the anniversary to illustrate our renewed commitment to the international human rights framework and the rule of law.

**Lord Foulkes of Cumnock (Lab Co-op):** I am grateful to my noble friend the Minister for that excellent reply—eventually. Will he and the Government involve my noble friend Lord Touhig, the leader of our delegation, and other Members in the plans? Can he confirm yet again that our Government believe in the integrity of the European Court of Human Rights in Strasbourg and particularly that, unlike the previous Government, we will not renege on our membership of the European Convention on Human Rights?

**Lord Ponsonby of Shulbrede (Lab):** I am happy to give my noble friend the assurances he is looking for. We would be happy to consult him and my noble friend Lord Touhig on the events which we will organise during the coming year for the anniversary of the signing of the ECHR. My noble friend may be interested to know that I was chairman of the celebration of the ECHR's 50th anniversary, and it is something that I am very pleased that I did.

**Viscount Hailsham (Con):** Does the Minister accept my concern that the court is becoming increasingly interventionist and is making decisions in areas which should properly be left to national Parliaments, and that where this is happening national Parliaments have very limited ability to modify or reverse those decisions?

**Lord Ponsonby of Shulbrede (Lab):** The Government support the European convention, but we want to work constructively within the convention as laws develop within it. We want to have a constructive, long-term approach that we can properly celebrate in this anniversary year.

**Lord Purvis of Tweed (LD):** Ending the ban on gay people in the military, ending teachers hitting children in schools in Scotland, ending the retention for life of DNA samples of innocent people, ending the persecution of gay people in Northern Ireland because of their sexuality, and ending the practice of imprisoning and hospitalising autistic people are all areas in which campaigners have had to fight, but they are rights provided by virtue of our membership of the convention. Does the Minister agree that perhaps some of the people who now believe most strongly that it has been interventionist take for granted the benefits that it has provided for citizens of the United Kingdom?

**Lord Ponsonby of Shulbrede (Lab):** I thank the noble Lord for that question and agree with everything he said. The Prime Minister and the Foreign Secretary have been clear that this Government are committed to the international human rights framework and that we will never withdraw from the ECHR. The noble Lord's points are well made.

**Lord Callanan (Con):** My Lords, last year, the European court ruled that Switzerland violated the ECHR by failing to adequately address climate change. This was just the latest example of judicial overreach by the court. I am pleased to say that there was an excoriating dissenting opinion from the UK-appointed judge. Does the Minister agree that this is a dangerous precedent to set? Will he commit to working with other democratic European countries that have also expressed concern to ensure that substantive reforms to the system are progressed?

**Lord Ponsonby of Shulbrede (Lab):** My Lords, the incoming Secretary-General of the Council of Europe is a Swiss national and former Swiss president. I am sure he will be very well versed on the issue which the noble Lord raises. It is right that we want to work with the European convention in trying to address

environmental problems. That is a body of law that is currently being developed. The Government are committed to that, and we will work within the various European agencies to develop that body of law.

**Lord Alton of Liverpool (CB):** My Lords, Articles 10 and 8 of the convention protect our rights in respect of family life and private life and freedom of expression. The Minister will be aware that the former Biometrics and Surveillance Camera Commissioner, Professor Fraser Sampson, and the European court itself expressed grave concern about mass surveillance in the United Kingdom by Hikvision cameras and about the increase in surveillance generally. Will the Minister take the opportunity of this anniversary to undertake to look again at whether we are sufficiently compliant with Articles 8 and 10?

**Lord Ponsonby of Shulbrede (Lab):** I thank the noble Lord for that question. I remember dealing with those types of questions while I was an Opposition Minister in the Home Office. Whether Articles 8 and 10 are indeed breached by these cameras is a very live question; they are everywhere and they are being used in ways that we do not always understand. The noble Lord makes a good point.

**Lord Browne of Ladyton (Lab):** My Lords, in the interest of cross-party amity—an ambition that I know my noble friend Lord Foulkes of Cumnock shares—it is important when celebrating something as significant as the ECHR’s founding to assign credit where it is due. Given that Churchill called the ECHR into being, David Maxwell Fyfe and Harold Macmillan were instrumental in its drafting, and Margaret Thatcher described our membership as “common sense”, will my noble friend the Minister strain every nerve to ensure that the Conservative Party is given due prominence and credit as we celebrate this anniversary?

**Lord Ponsonby of Shulbrede (Lab):** I am happy to agree with what my noble friend said. I want to mention one other name, that of my former honourable friend Terry Davis MP, who has died, and whose funeral is at the end of this month. He was Secretary-General of the Council of Europe between 2004 and 2009.

**Lord Lilley (Con):** My Lords, does the Minister agree that the anniversary would be a good opportunity to dispel the myths just promoted by the noble Lord, Lord Browne, that this was a purely British or Conservative invention, and to recall that the Attlee Government reluctantly agreed to sign the ECHR only on the basis that the court would not have jurisdiction in the UK as British citizens would not be allowed to take cases to it? It was a policy continued a few months later by Winston Churchill, when he came into power. Both were presciently advised of the risk to which the noble Viscount, Lord Hailsham, recently pointed: that it was inconceivable that any Government would take the risk of entrusting to an international court legislative powers that Parliament would never entrust to the courts of this country.

**Lord Ponsonby of Shulbrede (Lab):** The original Treaty of London was on display at Blenheim Palace on 18 July when European Ministers were meeting. We were proud that that treaty was on show. It is a symbol of the originating nature of the British Parliament in the founding of the treaty and something of which we should be very proud.

**Baroness Whitaker (Lab):** Will my noble friend the Minister confirm that one of the really important virtues of the European court is that it protects the human rights of people in member states with poorer records than our own?

**Lord Ponsonby of Shulbrede (Lab):** I am very happy to agree with what my noble friend has said.

**Lord Polak (Con):** My Lords, Article 9 of the ECHR guarantees the right to freedom of thought, conscience and religion. The impact of the Saturday pro-Palestinian marches on central London synagogues has been severe, leading to dropping attendance, intimidation, disruption of services and the forced cancellation of events. The next march is scheduled for 18 January, close to the Central Synagogue. Will the Minister work with police to move the start location of the march far enough away so that families can go to and leave synagogues in safety?

**Lord Ponsonby of Shulbrede (Lab):** I thank the noble Lord for that question. It is a matter for the Metropolitan Police. If appropriate, I will draw his comments to the Met’s attention.

**The Lord Bishop of Southwark:** My Lords, does the Minister agree that the benefit of ongoing membership of the ECHR is, among other things, that it is vital for the continuation of the Belfast agreement?

**Lord Ponsonby of Shulbrede (Lab):** I thank the right reverend Prelate for that question. He is right that the Good Friday agreement is underpinned by the convention, and it is important that that should continue.

## Foreign-owned Social Media Companies *Question*

3.09 pm

*Asked by Baroness Chakrabarti*

To ask His Majesty’s Government what plans they have to restrict the impact of foreign-owned social media companies upon UK democratic politics and public order.

**The Lord Privy Seal (Baroness Smith of Basildon) (Lab):** My Lords, we are committed to the implementation and integrity of our democracy, but we cannot be complacent. It is a collective endeavour to protect it against threats and ensure that it remains robust. The Online Safety Act creates a new regulatory regime for online platforms and search services, with new duties to act to protect UK users from harm in both the

[BARONESS SMITH OF BASILDON]

design and operation of their services. These duties apply to overseas services with links to the UK and include offences relating to public order and terrorism, as well as illegal foreign interference that undermines our democratic politics.

**Baroness Chakrabarti (Lab):** My Lords, I am grateful to my noble friend the Minister for that Answer, not least on her birthday. To reflect the previous Question, does she agree that free speech is given constitutional protection in this country and elsewhere in the Council of Europe by Article 10 of the European Convention on Human Rights? However, even in the US—famously, the land of the first amendment—free speech does not extend to, for example, the malicious and deliberate spreading of incendiary libels and the incitement of public disorder.

**Baroness Smith of Basildon (Lab):** My Lords, free speech is crucial, but it brings with it responsibility. I think we would all say that, although people have no right not to be offended, it is important that any comments made, whether on social media or in any other form of media, are factual, accurate and well-informed. It strikes me that on issues that are contentious we should perhaps lower the temperature, not the tone.

**Lord Wallace of Saltaire (LD):** The Leader of the House may be aware that, in the latest incident, Elon Musk has responded to Ed Davey's criticism in language that Tommy Robinson might well use but, I am sure, Nigel Farage would disapprove of. It is important to have a sense of commonality in public debate. A public broadcasting network on which there can be a national conversation becomes all the more important when misinformation is being put into this country by social media outfits abroad. Can the Leader of the House assure us that the Government will do their best to defend and promote the BBC, which all public opinion polls show is the most trusted source of news for the largest proportion of our population?

**Baroness Smith of Basildon (Lab):** My Lords, I am a great defender of the BBC, not least for its fantastic production of "Wolf Hall". If we look back through history, we find that misinformation has caused enormous chaos time and again. It is important that all of us see truth, accuracy and decency as a collective responsibility, and that debate is conducted in a way that is conducive to providing information and helping people to understand the issues. I repeat that we should lower the temperature on contentious issues. It seems that some people are sometimes too interested in lowering the tone of the debate, not the temperature.

**Baroness Butler-Sloss (CB):** My Lords, are the Government looking at whether it is necessary to strengthen the Online Safety Act?

**Baroness Smith of Basildon (Lab):** My Lords, the first point is to ensure that we bring the Online Safety Act into force in full. That is a foundation on which we can build. It is fairly new legislation that the last Government brought in, which we supported. I hope

the Act helps and shows providers the responsibilities they have to ensure that there is a proper debate with good and accurate information. Disinformation is not a new issue, but it is a serious one, because information can travel around the world far faster than it ever has before. Let us see how the Online Safety Act works, make sure that it does and use it as a foundation to build on.

**Baroness McIntosh of Hudnall (Lab):** My Lords, has my noble friend the Leader seen that, just in the last couple of hours, there has been a report from the United States that the founder of Meta, Mark Zuckerberg, has announced his intention to reduce fact-checking on his platforms and to move the way in which those platforms operate closer to the way that X, formerly known as Twitter, now operates? I think most people in this House know what that means. Does she agree that, in those circumstances, it is more important than it has ever been for safeguarding within our national environment to be as strong as it can possibly be?

**Baroness Smith of Basildon (Lab):** The noble Baroness makes an important point about fact-checking. I think all platforms will want to ensure their information is as accurate as possible. In fact, the Meta decision does not apply to this country; it applies only to the US and it does not remove fact-checking in Europe, which will remain.

**Lord Forsyth of Drumlean (Con):** My Lords, does the Leader of the House think it is time that we looked at the rules regarding foreign contributors to political parties, albeit through domestic companies which they may own, and that we should also perhaps tell our nearest and dearest ally, the Americans, that just as we supported them in their resentment of Russian interference in their elections, so also we should expect American citizens not to interfere in our political process?

**Baroness Smith of Basildon (Lab):** The noble Lord makes a really important point about foreign interference, whether financial or otherwise, in other countries' democracy. All of us in this country value our democracy and want it to remain robust. The issue of ensuring not just that donations to political parties are legal under the current rules but that the rules are fit for purpose is one that we should take very seriously.

**Baroness D'Souza (CB):** My Lords, does the noble Baroness the Leader agree that although free speech can be extremely offensive at times, the dividing line is the context in which it occurs, and that the rules governing hate speech in this country—and criminalisation of speech—must always take into account that context? It is the context that determines whether that speech will have further very undesirable outcomes.

**Baroness Smith of Basildon (Lab):** If a matter appears before the courts regarding hate speech, I think that would be taken into account. The context is very important. We have to remember that we should choose our words carefully when we speak, whether that is in public or online. The days when you had a conversation in the pub and went home and everyone had forgotten



about it are gone; now it seems that everything is recorded and amplified at speed around the world. There are people who are vulnerable and people who have malign intent. These things happen in real time and people can face real dangers from people not choosing their words carefully.

**Viscount Camrose (Con):** My Lords, do the Government agree that widespread online media literacy is by far the best defence against misinformation and disinformation online and that, consequently, the more resilient we become to these harms, the less our need to restrict freedom of expression online? If so, could the Minister briefly summarise the Government's planned approach to drive up online media literacy?

**Baroness Smith of Basildon (Lab):** I am not sure that I really understand the noble Viscount's point. To be media-literate or social media-literate does not stop somebody making inaccurate or offensive comments. The key issue is that we should not say that different rules apply to people on social media. We should look to have public discourse, which is the responsibility of us all, to be at all times courteous and factual, and to conduct debate properly. That is not to say people cannot disagree or debate, or even be offensive. We cannot have what is almost incitement, and people not worrying about what the truth is and what is accurate if it gets a reaction. Sometimes too much of what is being said on social media is designed to get a reaction rather than to help inform people.

**Baroness Armstrong of Hill Top (Lab):** My Lords, the victims of many of the actions that have led to this tsunami of bad words are being revictimised by that sort of language and the way people are talking. I work with many of them—with small women's groups, particularly in the north, around Doncaster, Rotherham and Newcastle, that are working still with victims who have been abused and violently treated. Is it not time that all of us said that our main concern has to be for them, and to be working to make sure that social media is not a means of abusing and exploiting vulnerable women?

**Baroness Smith of Basildon (Lab):** My Lords, the noble Baroness makes a profound, wise and appropriate point. A lot of the current issues around social media have arisen on child sexual abuse, and there can be no crime more vile or abhorrent than that. If it is used for political purposes or is somehow stirred up, then I come back to the very point I made at the beginning: we must lower the temperature of the debate, not the tone. We should not seek to use such an abhorrent crime for political purposes but, at all times, try to have a debate that moves the issue forward in a positive way and seeks to protect those who are vulnerable.

## Health and Adult Social Care Reform

### *Statement*

*The following Statement was made in the House of Commons on Monday 6 January.*

"A happy new year to you, Mr Speaker, and to everyone across the House. With your permission, I will give an update on health and adult social care reform.

I start by paying tribute to the NHS and social care staff who worked throughout the Christmas break, including by staffing our hospitals, ambulance services, care homes and call centres on Christmas Day and throughout the new year. From visiting hospitals and residential care homes in the south-west of England, Essex, London, South Yorkshire and the north-west over the past two weeks, I know the extent of the pressures they are dealing with. They are going above and beyond to keep the NHS standing, to provide people with the social care they need and to give patients and care users the best care they possibly can against the most challenging backdrop.

We have seen more than three times as many patients hospitalised with flu this winter compared with last year, in a service with no slack left to give. Since coming into office, the Government have been doing everything we can to prepare the NHS for winter, including by ending the resident doctors' strikes. This is the first winter in three years when staff are on the front line, not the picket line. The Chancellor made an additional £1.8 billion available in-year to fill the black hole left by the previous Government, and we introduced the new respiratory syncytial virus vaccine to protect more than 1.2 million people against the virus.

But I am not going to pretend for a second that the experience of patients this winter is acceptable. The Government have been honest about the state of the NHS since the election, and we will continue to be. The NHS is broken but not beaten. It will take time to fix, but it can be done. That is why the Chancellor made an additional £1.8 billion available in-year to fill the black hole left by the previous Government and to enable us to deliver on our first steps to cut NHS waiting times. That is why we are undertaking fundamental reform, and it is why we are acting on social care.

These are the honest facts. The social care system in this country is failing, leaving hundreds of thousands of disabled and elderly people without the care they need. The failure of social care is piling enormous pressures on the NHS. In November, more than 12,400 hospital patients a day were well enough to leave but had to stay overnight because they were not able to be discharged. We have an ageing society: by 2050, there will be 4 million more people aged 65 and over in England. If we do nothing, social care costs are expected to double over two decades.

Of course, there is plenty of blame to go around. In 2009, when Andy Burnham established cross-party talks on social care, the Conservatives pulled out and leaked details of the talks to attack Labour. In 2017, it was Labour who torpedoed Theresa May's proposals. In 2022, the right honourable Member for Richmond and Northallerton (Rishi Sunak) as Chancellor delayed Boris Johnson's cap on care costs, and then defunded them as Prime Minister. There has not been a shortage of good ideas in the past 15 years, but a lack of good politics. It is time all of us across the House do things differently.

I have written to my opposite numbers and the leaders of all UK-wide parties represented in the House to invite them to help break out of the cycle of political failure. I hope all of us across the House will

put aside our ideological and partisan differences, and work together on this, to finally find a way through to a long-term plan that can build the broad consensus we need.

We do not need to agree on everything, but in April we will launch an independent commission on building a national care service. I am delighted that it will be headed by one of our country's leading social reformers, and Whitehall's greatest doer, Baroness Louise Casey. The noble Baroness, Lady Casey, has served Labour, Conservative and Liberal Democrat Governments. She is a trusted, independent figure, who will take views from all parties and, crucially, the public as she seeks to build a cross-party and national consensus on the future of social care. She will get things done. Her first report will be published next year, making a series of recommendations that can be implemented straight away throughout this Parliament, and her final report will come later in this Parliament.

In the meantime, we are stabilising the social care system today. We have legislated for the first ever fair pay agreement for social care, to tackle the workforce crisis—the 131,000 vacancies we see today. In the Budget, the Chancellor provided the biggest increase in carer's allowance since the 1970s, worth £2,300 a year to family carers, and an extra £3.7 billion for local authorities.

On Friday, I visited the home of Keith and Elaine in Carlisle. I saw at first hand how extended doorways and the installation of accessible kitchen and bathroom facilities have changed their lives, thanks to the disabled facilities grant, allowing them to live with renewed dignity, independence and happiness. That is why I announced last week the immediate release of £86 million through the disabled facilities grant, to provide an extra 7,800 home adaptations before April, changing the lives of thousands more disabled people for the better, just as Keith and Elaine have experienced.

We are not hanging around on reform either. We are introducing new standards to help people who use care, their families and providers to choose the most effective new technology as it comes on the market. We are joining up care and medical records so that NHS and care staff have the full picture they need to provide the best possible care. We are training care workers to perform more health interventions to help people stay well and at home. A lot done, a huge amount more to do and, if this House gets this right, the best is yet to come.

I turn to the elective reform plan the Prime Minister has launched today. The Government inherited NHS waiting lists at 7.6 million. The NHS standard, that patients should wait no longer than 18 weeks for treatment, has not been met for a decade. Millions of patients are forced to put their lives on hold while they wait. In his investigation, Lord Darzi listed the causes of this crisis: the undoing of new Labour's reforms, the disastrous top-down reorganisation, and slashing GPs and community health services, all of which have led to a dramatic drop in hospital productivity. Lord Darzi has diagnosed the condition; now this Labour Government are prescribing the cure.

In November, the Prime Minister set out the Government's plan for change—a plan to dig this country out of the hole it was left in and an act of

resistance against the status quo of managed decline. It committed to cutting maximum waiting times from 18 months today to 18 weeks by the end of this Parliament. Today, we are setting out how we will hit that ambitious target, so that once again the NHS is there for us when we need it. This will demand faster improvement than even the last Labour Government achieved. That means doing things differently. It had to be a plan for investment and reform. Investment and reform are what Labour promised before the election. Investment and reform are what we are delivering. Our elective reform plan will cut waste and inefficiency, ramp up the number of appointments, scans and operations that the NHS performs, and give NHS patients greater choice, control and convenience.

Any patient using the NHS can see the waste and inefficiency in the service when they use it. Staff feel it holding them back every day. When the Government announced significant investment in the Budget, I said that it would come with reform, so that every pound was well spent, and here it is. Resources will be diverted from hospitals to GPs, to get hundreds of thousands more patients cared for faster in the community. Patients will have the choice of whether they want or need follow-up appointments, saving a million pointless appointments a year. GPs will be able to refer patients directly for tests and scans, cutting out the middleman and speeding up diagnoses for patients across a wide range of conditions. For years, restaurants have been texting customers reminders of their bookings, giving them the chance to cancel or rearrange, to cut down on no-shows. The NHS will learn from the hospitality sector, do the same for patients, and cut around a million missed appointments every year as a result.

In opposition, we said that investment in new and more productive ways of working would make a significant dent in waiting times. Today, we are announcing 17 new and expanded surgical hubs to run like Formula 1 pitstops and bust through the backlog. Community diagnostic centres will open at evenings and weekends so that patients do not have to take a time off work for their appointment and can get diagnosed faster. We are rewarding trusts that cut waiting times fastest with extra capital investment as an incentive, and we are publishing a new agreement with the independent sector—the first of its kind for 25 years—to cut waiting times.

Over the past 14 years, a two-tier healthcare system emerged in this country. People who can afford it are increasingly going private to skip the queue, while those who cannot are left behind. Working people are going into debt, and others are running fundraisers to pay to get an operation. Those stories belong in pre-war Britain. They should shame the Conservative Party. I am determined to end two-tier healthcare in this country, so that whether you are the richest or poorest person in Britain, you get timely, quality treatment, free at the point of use. This new agreement will see more NHS patients able to choose to be treated in a private hospital where there is capacity, paid for by the state. More capacity will be available for people in working-class areas of the country, and for women stuck on gynaecology waiting lists. Where we can treat working people faster, we will, and we make no apology for doing so.

Working-class patients in this country deserve the same choice, control and convenience as the wealthy expect—indeed, as we all expect from other apps and services that we use every day, but not the NHS. That is why we are also modernising the NHS app to put patients in the driving seat for their own care. If customers can choose when their Deliveroo meal will arrive, and be kept informed until it is dropped off, why should patients not be afforded the same service by the NHS? With this plan, they will be. Patients will be able to manage their appointments, book tests and scans, view results as soon as they are ready, and choose where they will be treated. We will cut down on letters that arrive in the post after an appointment and give power back to the patient.

In the past six months, we have ended the resident doctors' strike and invested billions more in our health service, with the biggest investment in hospices and end-of-life care for a generation. We are delivering investment and reform in general practice to fix the front door to the NHS and bring back the family doctor, and we have started to get NHS waiting lists falling. This plan for investment and reform will press down harder on the accelerator and will change our NHS and the experience of millions of patients. It will put the NHS on the road to recovery, and I commend this Statement to the House".

3.21 pm

**Lord Kamall (Con):** My Lords, I begin by echoing the comments made by my right honourable friend the shadow Secretary of State in the other place in support of all those who worked in the NHS and social care sectors over the Christmas period. They sacrificed their time, which could have been spent with their friends and families, to care for those most in need.

On the NHS app, we support the digitisation of health and care to modernise the NHS, and support digital patient records to allow joined-up health and social care to deliver better outcomes for patients and to inform patients. However, the NHS app already sends appointments and updates on treatment to some patients, while some GP surgeries prefer patients to use their own website, not the app. I would be grateful if the Minister could expand on how the updated app will differ and offer up further information to your Lordships' House. Also, where your GP cannot see you, is the plan to allow all patients to book an appointment with another GP without having to deregister from their current practice and reregister with another practice? Will that be allowed with the updated app? One of the problems was always where there were GPs who could not see their patients but other GPs in the same area had spaces on their lists.

In the Statement, the Secretary of State said:

"We are rewarding trusts that cut waiting times fastest",

and the carrot of "extra capital investment" is used as an incentive. This appears to make sense, but noble Lords will know that I have always been interested in potential unintended consequences. If the Government reward trusts with extra investment if they cut waiting times fastest, what will happen to those trusts that are not able to cut their lists as quickly? Will they see reduced investment, and will that simply lead to them continuing to perform poorly? What is the solution?

Will hit squads—in the best possible terms—be sent in to turn them around? What other plans are there to tackle underperforming trusts which do not qualify for these extra incentives? How do the Government and NHS intend to avoid perverse incentives such as trusts prioritising certain patients over others—not necessarily based on medical needs—to cut waiting times to win this extra cash? How do we avoid that?

On social care, I appreciate the candour of the Statement in acknowledging that Governments of all colours, for decades, have not really dealt with this problem of long-term social care. As my right honourable friend the shadow Secretary of State said in the other place, we will work with the Government and the commission. However, I will put a few observations to the Minister. For decades, successive Governments have known about the ageing population, and Governments of all colours have commissioned report after report, which mostly gathered dust on the shelf. Although I have the greatest respect for the noble Baroness, Lady Casey, given that most commentators on social care agree that everything to be written about funding social care has already been written, I am curious to know what the Government expect to achieve by initiating yet another commission.

A solution was proposed in the Health and Care Act 2022. Noble Lords welcomed that we finally had a solution but disagreed on some of the details. But we had a solution to which the Treasury agreed. I remember the Opposition criticising the Government not for introducing the social care cap but for not doing it earlier, and they also suggested a number of tweaks. The incoming Government could have tweaked the numbers to address the concerns that they expressed at the time, and they could have grasped the nettle, but I am afraid that the announcement looks like yet another Government kicking the can down the road. So will the Minister write to noble Lords with the terms for the commission led by the noble Baroness, Lady Casey? This time, will the Department of Health and Social Care continue to work with the Treasury to ensure that whatever solution is finally proposed, even if it is likely not to be a new solution, has the agreement of the Department of Health and Social Care, other government departments and the Treasury? If not, it will simply find itself kicking the can down the road yet again when it comes to 2028.

My final point is on how to cut the backlog. These Benches welcome the Government continuing the policy of the last Government in opening new surgical hubs and community diagnostic centres at weekends and evenings. But, when we were in government, we found a potential workforce issue in opening community diagnostic centres at weekends and evenings. Of course, there are only so many staff who can be employed to keep these services open for longer, so have the Government made an assessment of how many staff they envisage will be available to keep these centres open for longer hours? What is the plan? Will it be a redeployment of existing staff, will existing staff be asked to work longer hours and overtime, or will they recruit new staff?

**Lord Scriven (LD):** My Lords, we on these Benches welcome the Statement and can see some positives in the way forward, but we have some reservations about

[LORD SCRIVEN]

timescales and unintended consequences in the implementation that I would like to explore with the Minister.

On social care, we have already called for cross-party talks, as many noble Lords will know. Social care is in crisis and at a tipping point, and it is an unbearable pressure for many families. But we cannot understand why the review will take until 2028 and full implementation will probably not happen until 2029-30. It is a bit like calling the fire service when your house is on fire and asking it to attend once it is out. So what specific components of this review that are not already in the public domain have the Government already determined will take until 2028 to be dealt with? Will the review tackle all forms of social care, including continuing care and young people's services?

The NHS elective reform plan marks a significant initiative for reducing waiting times and enhancing patient access to elective care. The plan introduces some welcome measures, but many are not new, such as the expansion of the diagnostic and surgical hubs, increased utilisation of digital platforms such as the NHS app and a commitment to meeting the 18-week referral to treatment standard by the end of this Parliament. Although these proposals are commendable, I have been of the view for many years that elective and emergency care need to be provided in different, and probably separate, ways. Several critical concerns warrant attention to ensure the plan's success and sustainability.

A primary concern is that the plan focuses predominantly on elective care, potentially overlooking the broader health and social care ecosystem. The Nuffield Trust emphasises that, for the plan to be sustainable, there need to be concurrent reforms in social care, significant investment in community services and attention paid to the determinants of ill health, such as housing and education. The focus on throughput measures will mean that it will be focused purely on those. What outcome measures will be put in place, not just for the quantity and speed of care but for the clinical outcomes for patients?

The emphasis on meeting elective care targets should not overshadow other clinical priorities. It is critical to ensure that resources allocated to elective procedures do not detract from urgent and complex care needs. Indeed, the financial model set out in the plan on tariffs will create incentives to focus on elective cases when budgets are stretched. What measures will be put in place so that the expanded diagnostic and surgical hubs, along with the extra reported 3.5 million procedures in the independent sector, will avoid pulling staff away from urgent care and complicated patient needs? This must be based on a fully costed workforce plan, so when will that be presented?

The plan has been announced with little firm detail on funding, especially considering that the £3 billion ring-fenced for cutting waiting times this financial year will not be available from April. Will this ring-fenced scheme be reintroduced? While we welcome the thrust of this plan, there will be some unintended consequences, and we really need to see a detailed implementation plan to ensure that elective care does not overshadow emergency care and those seeking social care.

**The Parliamentary Under-Secretary of State, Department of Health and Social Care (Baroness Merron):** I thank both Front Benches for their welcomes, in varying degrees and to varying aspects, for the two plans: one to deal with social care into the very far future—something that I would want to emphasise—and the other on electives. I, too, pay tribute to NHS and social care staff, not just for the work that they did through Christmas and the new year but for the work they do and the commitment they show in some very difficult circumstances all year round. That is exactly why we have come to your Lordships' House and the other place with this Statement.

To start with social care, the noble Lord, Lord Kamall, talked about the agreement that was around in respect of the social care cap, but that really dealt with only one aspect of social care; what we seek to do is something that actually has not happened before, which is a very comprehensive and long-lasting approach that will transcend politics and last, no matter who the Government are, and that is perhaps what has been lacking. Certainly, I would agree that there has been no shortage of ideas in the past 15 years—some good and some, as I am sure some people would say, less good—but what there has been a lack in is a different way of doing things and a different approach, and that is what the independent review led by the noble Baroness, Lady Casey, will seek to provide.

I am glad that both opposition parties have accepted the challenge or invitation from the Secretary of State to participate in a cross-party solution, and I am most grateful to party leaders and spokespersons for that. I want to put on record that the noble Baroness, Lady Casey, is regarded as Whitehall's number one doer; she is a leading social reformer, and she has served Governments of all political stripes, which equips her very well to talk about building a national care service.

I understand the concerns raised about the amount of time that is being taken. The noble Lord, Lord Scriven, referred to that. Perhaps I can reassure your Lordships' House that the first report will be published next year, with recommendations that can be implemented as soon as possible. The final report will be later in the Parliament.

I should also say that we have not actually waited. It is important to say that there are a number of things happening right now, because I do not want your Lordships' House to believe that everything is waiting for the conclusion of the report. I shall run through some of them because I think they are helpful in terms of social care. Legislation has happened for the first ever fair-pay agreement, which will tackle the 131,000 vacancies that social care is currently carrying and is a real problem in providing service. On the budget, I was very glad that your Lordships' House welcomed the biggest increase in carer's allowance since the 1970s. There has been an extra £3.7 billion for local authorities and, last week, the immediate release of £86 million for the disabled facilities grant, which will enable some 7,800 home adaptations before April. There has been a whole range of reforms, including the current introduction of new standards.

The noble Lord, Lord Kamall, asked about digitisation. Joining together medical and care records is so important. I know from the report of the House of Lords committee chaired by my noble friend Lady Pitkeathley that the

most concerning aspect for those who care for those who need that support is that they constantly have to say what is wrong and what the issues are. Always having to repeat things was the number one issue that that report identified. We are also training care workers to perform more health interventions. I would say that there has been a lot done but that there is an awful lot more to do, which is why I am very glad about this approach. I do not regard this, by the way, as kicking the can down the road; I regard this as realistic for the situation that we are now in. I must emphasise that we really want a cross-government approach that will outlast any Government, no matter who they are, into the future.

On electives, the noble Lord, Lord Scriven, asked about measuring outcomes and ensuring that, in meeting one target, other matters are not overlooked. He makes an extremely fair point, and we will, as part of the ongoing work, look at how we measure and how we avoid the unintended consequences that both noble Lords have referred to. I am grateful for the reminder on that point. It is important, and noble Lords will have heard it said by the Secretary of State, that we take the best to the rest—I think that is crucial. There is some excellent work that goes on across the country, but it is not universal or serving everybody.

On reducing waiting times, the noble Lord, Lord Scriven, used the word ecosystem, which I would absolutely share. For example, the failure of social care currently puts enormous pressure on the NHS. It is an ecosystem, and not always a positive one, I might add. If we go back to November, some 12,400 people every day were well enough to leave hospital but could not do so because it was not possible to discharge them. That is a failure of social care very much linked to the NHS, but we also have an ageing society. By 2050, we will have 4 million more people aged 65 and over than we have now and if we do nothing, for example, on social care, the costs will double over the next two decades. Neither exists in isolation. Social care and the NHS come together.

I say to the noble Lord, Lord Kamall, that this is absolutely a cross-government problem which will require a cross-government solution. Of course, it will be very much part of the 10-year plan and part of our three immediate pillars of change, which are sickness to prevention, hospital to community and analogue to digital.

This is about major reform, not kicking the can down the road on social care and the NHS. I know the noble Lord was not suggesting that of the NHS. On workforce, we are currently making plans which are different from those of the last Government, so we must carefully look at not just numbers but the range of skills and professions needed. This reform requires change. It is not about standing still.

The noble Lord, Lord Kamall, asked how we will keep centres open for more hours. It was one of our manifesto commitments, and we have held many discussions with workforce representatives to seek a wide range of solutions. One proposal, which has been extremely well received, is to offer to pay people overtime to do the work. We are already reducing waiting lists through this. We all know that the current working hours of the NHS do not reflect the reality of people's lives.

This is a really big opportunity to make a major change and grasp the many nettles. I wish all of it could happen immediately—particularly on social care, as we know that it has taken a long time and many have failed along the way—but it will take time. However, we have the plan and a commitment to support, guide and resource not just the NHS that we need now, but that we will need in the many years ahead.

3.41 pm

**Lord Laming (CB):** My Lords, the Statement is most welcome, not least the attention given to social care services. I congratulate the Minister and the Government on striking that proper balance between health and social care. The issues are hugely challenging, very expensive and important for the whole of society, especially if the National Health Service is to survive and prosper, for reasons that the Minister has touched on. The issues in social care range from recognition of the very important contribution of unpaid carers to the fact that a large number of local authorities face financial problems which place their future in a degree of jeopardy. The commission to be chaired by the noble Baroness, Lady Casey, will tackle these and many other issues, but we have to get through the immediate situation. Can the Minister assure the House that, in taking the social care agenda forward, from today these matters will be kept in sharp focus and handled with great vigour and determination?

**Baroness Merron (Lab):** I am pleased to give that assurance and thank the noble Lord for his welcome for these measures. As I mentioned earlier in response to opposition Front-Benchers, we have not waited. In the last six months, we have made a number of immediate changes. He mentioned carers, and it is worth emphasising that, as I said, the increase in carer's allowance is the largest since the 1970s. It will mean roughly an extra £2,300 a year for family carers. That is extremely significant. This House rightly presses me on the need to recognise carers, in particular unpaid carers, which we have done. The whole range of measures I described earlier will show our direction. I look forward to the noble Baroness, Lady Casey, publishing her first report next year. Those recommendations will also be there straightaway. We are doing this on all timescales.

**Baroness Pitkeathley (Lab):** My Lords, it is indeed gratifying, as the Minister has mentioned, that many of the health proposals take into account the report of the Committee of your Lordships' House on integrated care, which I had the privilege of chairing. I am going to take it for granted that the issue of unpaid carers will be the focus of the commission's report, since the whole edifice of social care depends on unpaid carers.

Does the Minister agree that social care and health care work best when you cannot see the join between them? Therefore, are we able to look at employing people across both disciplines—and indeed across the voluntary sector as well, which provides many of these workers—in order that the focus can be on the patient or the user, and not on the institution?

**Baroness Merron (Lab):** As the House knows, my noble friend is a great campaigner on this issue. I can certainly assure her that the review will include exploring

[BARONESS MERRON]

the needs of the 4.7 million unpaid carers who effectively hold the adult social care system together. On the point about the care workforce, we are already improving career pathways by expanding the national career structure, including new role categories. The suggestions my noble friend makes about a seamless service are quite right. We are a long way from that, but I hope we will be able to get to it, and the workforce will be key in that.

**Lord Lansley (Con):** My Lords, may I tell the Minister that the Statement is not an accurate representation of what happened in 2009-10? More importantly, it is now over 13 years since Andrew Dilnot produced his report, and there have been many promises to implement it that have not been kept. There should be no further delay. The Minister should acknowledge that if there is further delay in implementing a social care cap on costs, many thousands more people will face the catastrophic loss of their life savings and earnings as a consequence of meeting those costs. Until we implement the cap on social care costs, we will not know whether it will deliver a market in providing insurance against long-term care costs, which in itself would make a significant contribution towards meeting some of the costs of social care in the future.

**Baroness Merron (Lab):** I understand the wish of many, myself included, for more urgent action. However, the reality is that acting in haste will not solve the problem, not least because of the depth of the difficulties we are looking at. The noble Lord is right that many promises have been made—a number by his own Government—but not fulfilled regarding what should happen on the cap. I reiterate the point I made earlier: while I appreciate that there are Members of your Lordships' House who believe that Dilnot is the answer, it deals with just one aspect, and that is not what we need. As my noble friend just said, we need a comprehensive look at creating a more joined-up service that will work around people, rather than focusing on institutions or one particular problem.

**The Lord Bishop of St Albans:** My Lords, I am grateful to His Majesty's Government for trying to get cross-party agreement on this really important issue; it is important that it does not get lost in party politics. It is good to hear about the improvements to the NHS app, which is working quite well in some areas already. However, some people are digitally excluded, and there is a lack of connectivity in rural areas. How are we going to ensure that these groups are not excluded as we go forward with this important work?

**Baroness Merron (Lab):** The right reverend Prelate is correct to mention—I have raised it myself—not just the digital exclusion of individuals but connectivity. It is one of the reasons that we will approach this in a cross-government fashion. However, on our move from analogue to digital—the noble Lord, Lord Kamall, rightly mentioned the capacity of the NHS—our view is that it can do so much more than it is doing currently. The Secretary of State said in the other place that restaurants, for example, have been texting customers for many years, have they not? They remind customers

about their booking and give them a chance to cancel or change it. That is the kind of connectivity and service that we need from the NHS. I assure the right reverend Prelate that, where people are unable to use whatever the digital solution might be, they will be able to deal with it person-to-person or on paper. We will be flexible enough and actively seek out those who are not, as he described, immediately connected.

**Baroness Tyler of Enfield (LD):** My Lords, the Darzi review estimated the impact of delayed discharges at some 13% of total hospital beds. Given this, can the Minister say how confident she is that the immediate steps to improve the rate of discharge from hospital into social care, which she has already outlined, will happen? How quickly will that happen and over what timescale, and what accountability measures will be established at both national and local levels to ensure that those delayed discharges start to come down, and quickly?

**Baroness Merron (Lab):** The independent review by the noble Baroness, Lady Casey—in addition, as I mentioned, to producing recommendations that can be implemented straight away next year—is focusing on completing its final report later in this Parliament, so we are looking at the longer term. I cannot give an exact timetable, although I am hopeful that we will be able to update your Lordships' House with further information, as the noble Baroness quite rightly asked. The matter of discharge requires there being suitable facilities in the community, but we are not in that place, so this will take some time. But I am very hopeful that all of the measures here, and the measures we have taken already, take us further to that point. We will continue to strive on the matter of discharge, because it is a problem not only for the NHS but for patients and their carers and for social care. We are carrying, as we know, a lot of vacancies and a social care system that is creaking at the seams: we must be honest about that.

**Lord Patel (CB):** My Lords, I welcome the Statement and many of the proposals in it. We have learned from past experience that all reforms to, and any proposal to change things in, the NHS—and, for that matter, social care, but more so with the NHS—lead to increased bureaucracy but not the benefits that we thought they might deliver. One of the waiting list initiatives is that GPs will have a consultation with hospital staff to try to reduce waiting times and avoid unnecessary duplication. There is some financial incentive attached to that, but it certainly will increase bureaucracy. What modelling has been done to find out whether it will work, whether it will increase bureaucracy and by how much it will increase costs?

**Baroness Merron (Lab):** I am grateful to the noble Lord for welcoming many of the measures in this announcement. He referred to the £20 fee that will be paid to GPs to call the consultant where necessary. I understand the concern about increasing bureaucracy, but all these reforms are intended to work the other way. We will very closely monitor them and have very carefully considered them with all those who will be

dealing with them. I am actually more than hopeful, because the intention is that allowing the GP, for example, to get further advice, and making sure that people are being seen in the right place, will save money. It will mean that people are not taking up a referral place and that they will be referred for the necessary tests, scans, et cetera without the middle bit, which is a very backward-facing way of dealing with things. We will continue to monitor that to ensure that we are reducing what is currently wasted clinical time, while also preventing unnecessary out-patient appointments. The monitoring should show all of that and I will be very happy to update the House on that. The fee is to ensure that it can happen and is an incentive to do so. Of course, the greatest prize is an increased and speedier service for patients.

**Lord Turnberg (Lab):** My Lords, it is pleasing to welcome the proposals from the Government. It is also very pleasing to hear of the immediate things that can be done for social care, because we should not be waiting for the final report.

There are some more suggestions that we could make that do not require any money—that should be music to the Minister’s ear. We do not need more money to reduce the bureaucracy that people in the community are required to go through to gain admission to a care home. It is horrendous. They have a means test and a needs test serially, which can be very bureaucratic and time-consuming, and there are waiting lists. We must reduce that bureaucracy.

The second thing, which the Minister has already referred to, is the value that we place on care home workers. It is good to hear that they will get a rise in their money and that ideas will be put about on their careers, but, unless they have a recognised national qualification and registration of that qualification, career prospects will be limited. We must do more for them to allow them to see themselves in a career that could go on to nursing in the NHS. We must do more in that field if we are to retain these enormously valuable people.

**Baroness Merron (Lab):** My noble friend, as always, makes very practical observations. I totally agree with the point about bureaucracy in terms of care homes. I have experienced that as I have power of attorney for an elderly friend, and I constantly wonder: if I am struggling with it, what would it be like for somebody who perhaps is not as used as I am to dealing with forms, organisations and, indeed, bureaucracy? It is extremely troubling. Yes, that will be part of what we will be looking at to improve social care—and also the discharge ability that we were talking about earlier. Valuing care workers, professionalising the service and recognising them are all key. I agree that it should be a natural move from being a care worker into a clinical setting, but we also need to recruit people to be care workers, retain them and upskill them, which is so important.

**Lord Bellingham (Con):** My Lords, on the vexed subject of delayed discharge of very elderly patients who have been admitted from care homes, quite often with ailments such as flu, medicine management, wound-dressing management, et cetera, surely the key is to ensure that many of these patients are not admitted in

the first place. This follows on from the last question about the training of care workers. Is there an argument for enhancing their training so they become better carers in terms of dealing with these problems? Can the Minister say something about what I know has been tried in a number of care homes: having intermediate NHS beds in care homes?

**Baroness Merron (Lab):** Both the points that the noble Lord makes are very welcome and shine a light on the need to be more flexible in the range of services and care provided. It should not be just an either/or. People have intermediate stages. Some of the issues about discharge are about having a position in the middle, which is more about rehabilitation, and having the things in place to allow people perhaps to return home or to some other setting.

There is also the point about having a range of settings. Currently, the offer is perhaps too restrictive, although not in all places, as there are some excellent examples. We must be much more creative in the kind of offer that is available and in the training of care workers, not just for the service that they offer to patients, which is important, but for their professionalisation and their morale in their jobs.

**Baroness Hollins (CB):** My Lords, why is there no mention of mental health in the Statement? What happened to parity, I wonder? For example, 12,400 hospital patients a day are well enough to be discharged. I presume that this does not include the 1,500 or so autistic people and people with learning disabilities who are waiting to be discharged from psychiatric hospitals but for whom there is no social care? Community diagnostic centres are mentioned but there is nothing about the need for 24-hour community drop-in centres for citizens who have mental health problems. Social care costs for elderly people may be expected to double, but what about the increasing costs of care for disabled adults of working age?

**Baroness Merron (Lab):** The noble Baroness makes very real and important points. Some of the points in the Statement cover mental and physical health but, if I might be honest about the situation, this is only one of the things that we are putting forward. As I said at the beginning of this Statement, how I wish that we could deal with everything immediately. It is not possible. This is just the first stage in the journey that we are on. I hope that the noble Baroness is reassured by the direction that we are taking, the commitments and the work that we have already done on mental health. The Committee stage of the Mental Health Bill next week will also be a very significant step forward. I absolutely accept that there is so much more to do, and we will be getting through that.

## **Flooding Statement**

*The following Statement was made in the House of Commons on Monday 6 January.*

“Happy new year to everybody in the House. I would like to update the House on the flooding situation in England, and I start by extending my heartfelt sympathy

to all the people and businesses affected. Having your home or place of work flooded at any time is a horrendous experience, but it is particularly dreadful at a time of hope and celebration for individuals and communities, and I hope that those affected will be able to rebuild in the days ahead.

The latest set of flood events come in what has already been a challenging autumn and winter storm season. A combination of heavy rain, snow and high winds has affected England since 30 December, with the worst rain arriving on 1 January. Many New Year's Eve celebrations were cancelled, and people in the north-west and central England woke up in the new year to find rivers at record levels, and roads, car parks, businesses and, unfortunately, dozens of homes flooded. Last night saw further heavy rain and flooding, affecting transport infrastructure and other services. The Environment Agency's areas of most concern today are in the Midlands, Warwickshire, Lincolnshire and Nottinghamshire. In Leicestershire, the fire and rescue service has declared a major incident.

There remains extensive floodwater in rivers and other bodies of water, and a lot of the ground is saturated. The news and social media have shown the flooding of fields and our transport infrastructure, and the impact that water has on our communities. As honourable and right honourable Members will appreciate, this is an ongoing and dynamic situation, but I wanted to come here and provide the latest and most detailed updates possible on what is happening and how we are responding.

On New Year's Eve, the Met Office issued rainfall warnings across most of England, including an amber rain warning for large areas of the north-west, and 164 flood warnings and 154 flood alerts were issued by the Environment Agency between New Year's Eve and New Year's Day. During that period, rain fell across large parts of England; the worst-impacted areas were in the north-west, including Cheshire, Greater Manchester, Lancashire and parts of Yorkshire. The highest-ever levels on the River Mersey were recorded. Environment Agency teams operated flood basins at Catterall, Garstang and Croston in Lancashire, and at Lilford, Sale and Didsbury in Greater Manchester.

Cheshire was a specific area of concern. A major incident was declared, with more than 100 families in the Warrington area needing evacuation. A large section of the Bridgewater Canal's embankment collapsed, with water draining on to farmland and inundating a wastewater treatment works owned by United Utilities. The owner of the canal, Peel Holdings, took emergency action to stop the flow of water and, although the treatment works were inaccessible for a time, United Utilities has assured us that the plant is back up and running. A number of evacuations were needed, even where properties were not flooded, including for 400 residents of the Britannia hotel in Didsbury.

Although some of the heavy rain had passed by 2 January, subsequent cold weather impacted much of the same areas, hampering recovery efforts and adding further misery to those whose homes had flooded. Environment Agency staff continued their work across the country and brought in mutual aid from unaffected areas to help efforts in the worst-hit areas. They were also operating defences, supporting emergency response

partners in managing live incidents, and continuing to issue flood warnings to warn and advise communities at risk.

Late yesterday evening there was further heavy rainfall across parts of England, leading to a combination of river and surface water flooding. The Environment Agency is continuing to respond in affected areas, including Leicestershire, Derbyshire, Birmingham, Nuneaton, Loughborough and the Rivers Trent, Avon and Idle in the Midlands. The Environment Agency reports that at least 350 properties have flooded and more than 21,000 properties have been protected since New Year's Eve. Over the next 24 to 36 hours, as water moves to lower reaches and slower-responding catchments, there is likely to be some localised flooding across multiple smaller areas.

Climate change will inevitably lead to more severe weather of the kind we have seen this weekend, but I reassure the House that flooding is a personal priority for me and a top-five priority for the Department for Environment, Food and Rural Affairs. This Government inherited flood defences in the worst condition on record, following years of underinvestment. Due to the impacts of inflation, an ageing asset base and the previous Government making no additional funding available to repair storm damage, flood defence integrity is at its lowest level since 2009-10, with approximately 60,000 properties less well protected than if flood defences were at optimal condition. That is why we are investing £2.4 billion over the next two years to build and maintain flood defences.

We have set up a new Floods Resilience Taskforce to ensure better co-ordination between central government and front-line agencies on the ground and throughout the country. The task force brings together organisations including the Association of Drainage Authorities, the National Farmers' Union, local resilience forums and emergency responders. The task force is key to strengthening resilience in the face of floods, and it met for the first time in September and will meet later this month. We have also provided £60 million to help farmers affected by the unprecedented flooding last winter, and an additional £50 million will be distributed to internal drainage boards to manage water levels to protect the environment and agriculture.

To make the most of our flood funding, we will refresh our approach to funding flood defences, including through a review of the existing flood funding formula to ensure that the challenges facing businesses and rural and coastal communities are taken into account in the delivery of flood protection. We will consult on this new approach in the new year, and I will inform all Members when the consultation goes live. We aim to bring in the new approach from April 2026.

The Environment Agency's community and field teams are out today to assess and report on the impacts of the last 24 hours. I am sure the whole House will join me in thanking the emergency services, the local authorities, the Environment Agency and the volunteers for their work in keeping communities, properties and businesses safe.

I also recognise the work done by many local MPs—including Jo Platt, the MP for Leigh and Atherton—and their constituents. Residents of Lilford, in Leigh, have



been impacted by flooding twice in recent years, which is proof that resilience measures and investment need to be reassessed constantly, and we as a Government are committed to supporting residents to do that. I know that many more MPs wanted to be here but, because of the flooding, are out supporting their constituents. I thank them all, and I specifically mention James Naish in Rushcliffe, who is out supporting constituents right now.

I held a call on Friday to update MPs, and I am grateful that the shadow Minister was able to join it. I will continue to communicate with Members as they raise issues. Flooding is such an important issue, and I will work tirelessly to make our communities more resilient. I commend this Statement to the House”.

4.02 pm

**Lord Roborough (Con):** My Lords, I am grateful to the Minister in the other place for this Oral Statement. I start by paying tribute to the emergency services, local authorities and the Environment Agency for their efforts over the Christmas and new year period supporting those who have been affected by extreme weather. Our services sacrifice so much to help communities and businesses in challenging weather, and we are all most grateful for their work and commitment.

The recent extreme weather has caused flooding, road closures, school closures and widespread transport disruption on our railways and at our airports. As a result of the extreme weather, Leicestershire Fire and Rescue Service has declared a major incident across Leicester, Leicestershire and Rutland. I know that noble Lords from across the House will join me when I say that our thoughts are with all those whose homes and businesses have been damaged, and with all those who continue to be affected.

As I said when we discussed the Government’s response to Storm Bert last year, those affected by this extreme weather need support now, as well as reassurance that they will not be left to pick up the pieces alone, as they work to put right the damage caused by flooding. One of the key issues that people affected by flooding often face is the time taken for insurance claims to be processed. Can the Minister set out the engagement that the Government have had with the insurance sector to ensure that families affected by flooding can get on with rebuilding their lives as soon as possible?

In addition, the Minister in the other place said yesterday that the Government do not currently have plans to expand the scope of the flood reinsurance scheme that our previous Government introduced. We believe that this is something that the Government should look at, especially on the age of building eligibility and including businesses. Can the Minister say why the Government are not considering expanding the scope of the Flood Re scheme?

On school closures, the Government were asked yesterday in the other place about the steps they are taking to get schools open again. Can the Minister give us an update on the progress the Government are making on this to ensure that pupils do not suffer unnecessary disruptions to their studies?

As we have discussed in this House before, the previous Conservative Government established the farming recovery fund to support farmers recovering

from uninsurable damage. Can the Minister give us an update on the progress that the Government are making to provide support to those farmers who have been affected by both the recent extreme weather and the storms we saw late last year? At a time when farmers feel that this Government are interested only in making farming more difficult, effective support for those farms that have been affected by flooding is the very least that the Government can do. I draw the House’s attention to my register of interests; in particular, as a dairy farmer in Devon—fortunately, not affected by this flooding.

We have discussed flood resilience at length in this House already in this Session, not least during the passage of the recent Water (Special Measures) Bill. Can the Minister tell the House whether the Environment Agency will allow the dredging of more clogged waterways to prevent future flooding?

Finally, the Secretary of State has set up the Floods Resilience Taskforce to improve flood preparedness. It has met only once. Can the Minister tell the House what work the task force did ahead of the latest bad weather? Does she feel that there is a case for it to meet more regularly?

I conclude, as I began, by thanking all those who have stepped up in the face of extreme weather, many of whom put themselves in danger to do so, and by wishing all those affected the very best as they put right the damage caused by this weather.

**Baroness Humphreys (LD):** My Lords, I begin by adding my thanks to fire and rescue workers for their invaluable help over these last few days. Their commitment and expertise have been exemplary. I add to that list the council workers and volunteers throughout the country who have helped in these emergencies, and in particular the Environment Agency and Natural Resources Wales for their invaluable expertise.

Yesterday morning, as a result of a rapid thaw of lying snow and extremely heavy rain overnight, the Environment Agency in England had 167 flood warnings in place, where flooding was expected, and 312 flood alerts, where flooding was possible. Trains were cancelled and roads closed. Behind these facts are stories of people: people struggling to protect their homes and defend their businesses—all in the knowledge that their lives would be affected, sometimes for years—and people struggling to get to work. My commiserations go to them too.

I come from a valley that has always flooded, and I well know the misery that such events bring. In 2009, my area was badly flooded and a flood alleviation scheme was put in place by the Welsh Assembly Government, as it was then. My town now has demountable defences, flood walls and lowered spillways on the riverbanks. It is a massive scheme and our town is protected, but sometimes the floodwaters now travel down the valley and other places are badly affected. On New Year’s Day, although my town was fine, the A470 north to Llandudno was closed because of floods. This area had never flooded before, so we know what people are going through.

However, I welcome the Statement and in particular the extra £60 million for farmers in recognition of the battle that they have with flooding on their land. I also

[BARONESS HUMPHREYS]

welcome the extra funds for internal drainage boards and the opportunity to review how flood relief money is distributed.

Plenty of notice was given of severe weather so that people could be prepared but, of course, some people were not. One could argue that, where storm and flood defences were overrun, a lack of funding over the past few years for maintenance or new defences contributed to some of the problems. The Chancellor has committed to £2.4 billion of funding for flood defences over 2024-25 and 2025-26 in the Autumn Budget. This is also to be welcomed, but experience has taught us that curing one problem can create another downriver: it is a never-ending battle against flood water. What plans do the Government have to commit substantial funding for flood defences past 2025-26?

**The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Baroness Hayman of Ullock) (Lab):** My Lords, I join the noble Lord, Lord Roborough, and the noble Baroness, Lady Humphreys, in thanking all the people who responded and supported local communities during these floods. There have been many volunteers from the communities, such as farmers—in my community, it was a farmer who came and helped out—as well as the emergency services, the Environment Agency, Natural Resources Wales and so on. Without the extraordinary response that we always get from local communities and our emergency services, things would be so very much worse. Our thanks go out to them.

The Government recognise the terrible impact that flooding has on householders and businesses, and we absolutely sympathise with all those who have been affected over the last week or so. We know that flooding has a devastating effect, whether that is physical damage or disruptions to daily activities. There are also impacts on health, particularly mental health, for those who suffer from flooding.

The noble Lord, Lord Roborough, asked about insurance. This is always a difficult issue once you have been flooded. It is really important that Flood Re exists in the first place. It has made a huge difference over the past few years for those who have struggled to get insurance. As the noble Lord said, we do not currently have any plans to extend its scope, but it will be part of our review of all policies, because there are clearly concerns about those who do not come under Flood Re, whether multiple occupancy homes, businesses or properties built after 2009. If colleagues have examples where properties, particularly those built after 2009, have suffered, I would be very happy to take examples so that, as we review, we have clear evidence in front of us.

We need to consider how we best support households. When Flood Re came in, its scope for eligibility and its duration were agreed alongside government and industry. It is really important that industry supports what government is doing in this space. Any changes to the scope of the scheme have to be consistent with the original agreement and premises that came through with industry—but, clearly, we will keep this under review.

The impact of flooding on farming was mentioned. I thank the noble Baroness for her support for the £60 million that we have distributed to 13,000 farm businesses through the farming recovery fund. In the floods investment programme, the amount of funding a project can attract will depend on the damages that it will avoid and the benefits that it will then deliver. The impact of the project on agricultural land is also included as part of any funding calculator.

We are also looking at reviewing the existing funding formula, which is really important because it has not worked for lots of different people and communities. We will review it to ensure that the challenges businesses and rural and coastal communities face are adequately taken into account. We are looking to open the consultation on that very soon; noble Lords may wish to input into it.

The noble Lord, Lord Roborough, asked about dredging. On average, the Environment Agency spends between £30 million and £45 million a year on river maintenance, which enables it to dredge approximately 60 kilometres to 200 kilometres of main river watercourses every year. Where watercourse maintenance is the responsibility of the Environment Agency, it focuses its efforts on those activities that will achieve the greatest benefit in protecting people and property from flooding, therefore delivering the best value for money—that includes dredging. The assessment is undertaken by the Environment Agency, working in close consultation with local communities. It is important to remember that dredging is unlikely to be effective in isolation and is usually part of a wider approach because the silt can easily build up again.

The Floods Resilience Taskforce was mentioned. It met for the first time in September and is due to meet this year. There are 27 attending organisations, so it is comprehensive in its approach. At the first meeting there was a shared understanding of the weather and flood risk of the current winter to ensure we can be as prepared as we possibly can. It is important that we have a better awareness of EA flood asset conditions across England. There was also an agreement to share lessons from flood response from all tiers of government and with flood responders. Clearly, what we have just been through will be an important part of the next meeting of the Floods Resilience Taskforce.

The task force provides Ministers from Defra, MHCLG and the Cabinet Office with a combined overview of flood resilience, along with flood risk organisations and charities—flood insurance, for example. Although it is devolved, Wales, Scotland and Northern Ireland are standing members. The idea is that it will learn from this instance so that next time we continue to build on how we can best prepare for the future.

The noble Baroness, Lady Humphreys, talked about flooding caused by displacement. That is a really difficult issue, which is why any response we provide is not just about building barriers but about looking at bigger, broader support mechanisms, whether that means bringing in balancing ponds, for example, or better surface water flooding assessments. We have to look at this in the round; building higher only pushes water out.

4.17 pm

**Lord Carlile of Berriew (CB):** Does the Minister agree that the insurance industry is guilty of egregious delays in paying legitimate claims, and that this is a significant issue that is leading to people who are properly insured with enforceable contracts being forced to sue their insurance companies? For example, is she aware of the delay in compensating 100 shopkeepers for the damage caused by flooding in Newry in Northern Ireland early last year? Does she agree that the Government should have a word with the insurance industry to ensure that they become more efficient in this area?

**Baroness Hayman of Ullock (Lab):** I am not aware of the specific incident the noble Lord referred to but if he would like to share the details with me, I would be happy to take a look at it. It is important that we do not tar all insurance companies with the same brush. Some are much better than others. They are not all part of the Flood Re system, for example, although the majority are. The incident the noble Lord referred to is clearly to do with business, which is different from Flood Re. There are particular challenges in managing flood insurance for businesses.

**Lord Deben (Con):** Given that we are likely to have more and more occasions like this because of climate change, does the Minister acknowledge that the previous Government were strongly criticised by the Climate Change Committee for not producing a proper five-year programme for what should be done about resilience? In those circumstances, can she remind the House what the present Government will do to fill that gap and to produce a new report that will say how they will deal with this issue over the next five years?

**Baroness Hayman of Ullock (Lab):** The noble Lord asks an important question, because future resilience is going to be critical, particularly as we will have more incidents such as this due to climate change. That is why it is so important that we have set up the Floods Resilience Taskforce. The idea behind that is to bring together everybody who has a genuine understanding and a mutual interest in trying to resolve these issues for the long term, not just for the short term. Part of the problem is that often we have looked at short-term solutions. Part of the work of the Floods Resilience Taskforce is to get a better understanding so we can build exactly the kind of long-term plans that the noble Lord is talking about.

**Baroness Young of Old Scone (Lab):** I welcome the Minister's Statement, but I have some questions that are relevant to the fact that the noble Lord just mentioned, which is that extreme weather events are becoming more extreme and more frequent. We are going to be building many more houses in the future, and the rules on housing development in the flood plain or in areas of high flood risk are simply not working at the moment. Each annual report shows a small number of developments in the flood plain going ahead against Environment Agency advice, but that gives a false impression, because in reality many more new properties are being built in the flood plain that are at real risk of

flooding. Does the Minister agree that rules about development in the flood plain or in areas of high surface water flooding risk urgently need to be reviewed? Will she commit to do so to make sure that the planned major programme of housebuilding is not simply putting more and more people and properties at risk?

**Baroness Hayman of Ullock (Lab):** Clearly, we have planning legislation coming forward. One thing we are doing in Defra is working closely with MHCLG around the future development of planning, particularly as we have ambitious plans for building a large number of homes that are so desperately needed. As part of the new home strategy that we have at the moment, we have committed to ensure that we are building more high-quality, better-designed, sustainable homes and creating places that increase climate resilience and promote nature recovery. It is important that, when we plan, we also look at the impact on the environment, and that clearly includes the impact on flooding.

The Government are committed to consider whether changes are required to manage flood risk, coastal change and sustainable drainage systems provision through the planning system when we consult on further planning reform, including a set of national policies that are related to decision-making in this area. Where development needs to be in locations where there is a risk of flooding because no alternative sites are available, we are stressing that developments should be flood resilient and resistant, safe for a lifetime and should not increase flood risk overall. The problem you can have is that, if you do not look at this properly in the round, you can build a house that potentially could flood, so you put in place resilience measures and, as the noble Baroness said, they push the water on to another estate that has not flooded before. So it is really important that we look at this carefully in the round.

**Baroness Sheehan (LD):** My Lords, can the Minister update the House on when we can expect to see the land use framework that has been much delayed? It will shed some light on the competing priorities for land, including flood plains.

**Baroness Hayman of Ullock (Lab):** I am hoping that we will see it very soon. The target we are working to is that we are hoping to see it some time later this month.

**Baroness McIntosh of Pickering (Con):** My Lords, would the Minister like to take this opportunity to renew her commitment to not building on functional flood plains, such as zone B, which she was kind enough to support in an amendment in my name to an earlier piece of legislation, the levelling-up Bill? I add my congratulations to all the emergency services and others and add the drainage boards and declare an interest as an honorary vice-president of the Association of Drainage Authorities. Will the Minister explain how many kilometres of minor watercourses she expects to be dredged and maintained during the course of this year?

I recognise the extra funds that the Government have awarded to drainage boards for this purpose. One issue is that we do not currently have a total—totex—

[BARONESS McINTOSH OF PICKERING]  
 budget. As the noble Baroness, Lady Humphries, referred to earlier, the budget is divided between maintenance spending and capital spending, with endless arguments. If there was a total budget such as there is for water companies, which also do some of this work, flood defences and flood maintenance would be in a much better state.

**Baroness Hayman of Ullock (Lab):** Clearly, drainage is an important part of managing any kind of flood risk. If the water cannot go through the drains, it will sit on the surface and cause problems. It is always difficult keeping drains clear throughout a whole flood event, because water inevitably brings with it things that will cause blockages in drains. But it is important that we manage the drains as effectively as we can ahead of flooding and that we also support internal drainage boards.

Internal drainage boards clearly do important work managing water levels and reducing flood risks to farmers and rural communities. The Government have committed to providing an additional £50 million to internal drainage boards over this year and next, to improve, repair or replace the flood-risk assets. This builds on the £25 million that was already being provided. As I have said, we are committed to continuing our work with internal drainage boards and also with MHCLG. With so much of this, the two departments need to come together to get a consistent and effective approach for the long term.

**The Lord Bishop of St Albans:** My Lords, the *UK Food Security Report*, published on 11 December, identified extreme weather events as major threat to good food production, and therefore a risk to our own national security. The Minister has just been talking about cross-departmental work. Can she assure the House that, as the Government develop the national food security strategy, they will liaise with the food resilience task force? This all needs joined-up thinking if we are going to guarantee our security.

**Baroness Hayman of Ullock (Lab):** I am very grateful to the right reverend Prelate for mentioning that we are producing the food strategy. It will be incredibly important if we are to have proper food security going forward. Clearly, climate change brings particular challenges to our farmers and, because of that, to our future food security. We are very determined as a Government to bring departments together in order to produce sensible, forward-looking plans for the future. I am sure that we will be liaising with the group he mentioned. I will discuss it with the farming Minister, who is producing those plans, to ensure that that is done.

**Lord Whitty (Lab):** My Lords, further to the point raised by the noble Baroness, Lady McIntosh, and my noble friend Lady Young, on planning and flood risk, I recall being a member of the board of the Environment Agency when it was given responsibility in the sense that it was a statutory consultee. I remember saying at the time, “This gives us responsibility without power”. Will the Government, in addition to the very welcome measures the Minister has already announced, give the Environment Agency and equivalents the power to

override planning decisions if they consider the flood risk presented to be unacceptable? Will she also extend the period of help for the Environment Agency in terms of capital and staffing costs to ensure that the monitoring is effective?

**Baroness Hayman of Ullock (Lab):** Clearly, the Environment Agency does important work here. Of course, monitoring needs to be effective: otherwise, what is the point in doing the work? The Environment Agency provides regular reports for many applications. Regarding his suggestions, a review of the Environment Agency, alongside all other organisations within the Defra family, is currently being carried out by Dan Corry. As part of the Corry review, we should be looking at exactly what the different organisations should be responsible for and whether that is adequate or whether it should be looked at and changed.

**Baroness Bennett of Manor Castle (GP):** My Lords, I preface my question by noting with approval that the Minister finished her answers to the Front-Bench questions by saying that building higher only pushes water out. I am pleased that she acknowledged that.

We should look at the tone of this Statement and indeed of much of the discussion we have had thus far. The Statement says that improving flood defences and drainage systems is a priority. It sounds like how we were talking about this issue in the 20th century. Where has “slow the flow” gone? Where is the understanding that pushing water from one place very often pushes it on to another community, and pushing it from one space simply causes damage in a different one? Where is the discussion about nature-based solutions to hold water and release it slowly and gradually?

A number of people have raised the issue of flood plains. Do the Government recognise that the flood plain is not beside the river? The flood plain is part of the river.

**Baroness Hayman of Ullock (Lab):** The noble Baroness asks what we are looking at beyond flood defences—the actual physical barriers. There was quite a discussion during the Water (Special Measures) Bill about natural flood management and the work we are doing and promoting in that area. She may recall that we amended the Bill to ensure that we looked at more natural flood management schemes—nature-based solutions, as she suggested. We are doing that not just through the Water (Special Measures) Bill; we have made a number of announcements on this issue because we see it as an important part of the long-term solution. We need to look at long-term solutions, particularly, as the noble Lord said, because of the climate change pressures. In a way, building a flood barrier is a short-term solution because we do not know how long it is going to last for, so we need to combine that with longer-term solutions. Recently, for example, some balancing ponds have been developed with a grant near where I live. That is the way forward: barriers and longer-term nature-based solutions hand in hand.

**Lord Empey (UUP):** My Lords, a number of Members have raised the question of flood plains and building houses. There will already be a number of planning applications approved yet not activated by a number

of those who own the land—they have their planning approvals and maybe five years to do something about them. Is it possible to seek a review of those to see that we are not putting more people into high-risk situations as a result of the applications that have already been approved?

The noble Baroness, Lady Bennett, raised a very good point about slowing down the flow. That may mean some form of additional forestation, or it may mean providing variations to certain waterways and so on. Is an attempt being made to combine the two things together? At the end of the day, we are facing change, and there is virtually nothing more debilitating than seeing people flooded out. Anyone who has had to go out and look after constituents in this situation knows there is nothing like the misery they face and how appalling the situation is, because it is not just water that goes into their houses. That is something that I think is often overlooked.

**Baroness Hayman of Ullock (Lab):** If a planning application has been approved in a flooding area, I would expect it to have been granted alongside mitigation measures that the developer would have had to provide to get planning permission in the first place from a local authority. Clearly, I do not know the detail of every single planning application that the noble Lord is talking about, but whether that would be available for review would be a matter for policy development through MHCLG as well as for local authorities, because it is local authorities' responsibility to provide planning grants and look at applications.

On some of the other matters that the noble Lord raised—this is probably relevant to some of the other questions too—I want to draw noble Lords' attention to the fact that we are reviewing the flood funding formula. A lot of the issues that have been raised are down to the fact that the existing formula follows a complex process and risks slowing down the development of the kinds of schemes that perhaps many noble Lords would like to see. We are aiming to bring in a new approach from April next year, and that is important. Where I live in Cumbria, the existing formula certainly did not work for us when we were badly flooded, and the Government had to provide an extra top-up amount of money. That is not the way to go forward. We need to ensure that communities are properly supported with the kinds of budgets that can bring in the long-term solutions that will be needed to protect them against potential future floods.

**Baroness Sheehan (LD):** My Lords, since there is still a bit of time, may I ask the Minister what thought the department has given to the health of our soils and their decreasing ability to absorb water? A lot of the issues around flooding concern run-off and the reduced capacity of the land to absorb water that it used to be able to. Two issues arise out of that: increased water, which we have little way of dealing with at the moment, and the reduced replenishment of our aquifers, which is causing water shortages around the country. Is the department giving deep thought to that?

**Baroness Hayman of Ullock (Lab):** The quality of soils is incredibly important, for all sorts of reasons, but the noble Baroness is correct that when you have

better soil it holds more water. Grants are available through different routes such as the environmental land management scheme; for example, for soil improvement. I have also been to see a Rivers Trust project where it has improved soil qualities around a particular river and was able to demonstrate that the water was held better by the improved soil when there were flooding incidents from that river. We have the evidence that it makes a difference, and we are looking at it extremely seriously.

**Baroness Bennett of Manor Castle (GP):** Since there is time, let me say that I visited Lancaster after it was hit by serious and major flooding. There was a lot of assessment afterwards of how the community had been able to cope. It was found that there were not the community structures—the organisations within local community groups, with people helping out their neighbours, et cetera. We have just seen one business owner in Leicestershire rescue someone from a flooded car when their life was in extreme danger. Often, communities are going to have to help themselves in this new climate emergency situation. Are the Government looking at how they can strengthen the many communities around this country that are at risk of being affected by flooding, so that they can cope with those crisis situations?

**Baroness Hayman of Ullock (Lab):** I am sure the noble Baroness is aware that one thing we have been looking at as a Government is more devolution to local areas. As part of that, it is important that we look at how best we can support our local communities, because it is always those communities that pick things up when you have problems like this. Supporting local communities, whether that is our local authorities, our parish councils or our town councils, is a really important part of the work that we need to do.

**Baroness Young of Old Scone (Lab):** My Lords—

**The Deputy Speaker (Lord Duncan of Springbank) (Con):** My Lords, I apologise to the noble Baroness, Lady Young—she can have another go next time—but the time allowed for this Statement is over.

## **Terrorism (Protection of Premises) Bill** *Second Reading*

4.38 pm

*Moved by Lord Hanson of Flint*

That the Bill be now read a second time.

**The Minister of State, Home Office (Lord Hanson of Flint):** My Lords, it is a pleasure to open this debate on the first Home Office Bill to come before this Parliament under the current Government. I want to start with why we are here today. It has been more than seven years since an appalling act of terrorism was perpetrated as a music concert drew to a close in the Manchester Arena. Twenty-two people were killed and many more injured on that terrible night in May 2017.

[LORD HANSON OF FLINT]

We think of them today and hold their loved ones in our thoughts and hearts, as we do with everyone who has been impacted by terrorism.

Noble Lords will be aware that this legislation has been a long time in preparation, including—and I acknowledge this—by the previous Conservative Government. It has been a long time coming but is now before us today. This Government wanted to move swiftly to introduce the Bill following the general election, to deliver on our manifesto commitment and the promise that the Prime Minister made to Figen Murray, who has campaigned tirelessly to introduce today's proposed law. Figen's son, Martyn Hett, was among those killed in the Manchester Arena attack. The fact that we are debating this Bill today is a direct result of her tenacity and persistence, and that of her colleagues in the campaign team. The commitment and courage that she has shown in campaigning for changes that will benefit others is, quite frankly, extraordinary. I am sure the whole House will join me in paying tribute to her for all that she has done and continues to do in the field of terrorist prevention. The Bill we are debating today is the Terrorism (Protection of Premises) Bill but, in essence, for the reasons I have just mentioned and due to the campaigning spirit of Figen Murray, this Bill is now Martyn's law.

Noble Lords across this House will agree that the number one priority of any Government is to keep their citizens safe. Sadly, since the start of 2017, agencies and law enforcement have disrupted 43 late-stage plots and there have been 15 domestic terror attacks, including the Manchester Arena attack I referred to. These incidents have shown that the public may be targeted at a wide range of events and public venues and spaces. The nature of the terror threat has become less predictable and potential attacks harder to detect and investigate. While we recognise that the risks posed by terrorism are already considered at some premises and events, the absence of legislation and requirements means there is no consistent approach, which then results in varied outcomes.

Engagement with business has highlighted that counterterrorism preparedness often falls behind areas where there are long-established legal requirements, such as health and safety. If that were not enough, the Manchester Arena Inquiry and the prevention of future deaths report from the London Bridge and Borough Market inquests called for clarity of responsibility for venue operators regarding protective security. That simply is what this Bill aims to do. It is designed to bolster the UK's preparedness for and protection from terrorism. It will achieve this by requiring for the first time that those responsible for certain premises and events consider how they would respond in the event of a terrorist attack. Further, at larger premises and events, additional steps will need to be taken to reduce vulnerability to terrorist attacks.

To be in scope of the Bill as qualifying premises, 200 or more individuals must be reasonably expected from time to time to be present at the particular premises at once. In addition, the premises must be used for one or more of the uses specified in Schedule 1 to the Bill—for example, as a venue, restaurant or

bar. For those premises that are in scope, a tiered approach has been established by the Government, with requirements varying accordingly.

We have tried generally to put premises where 800 or more individuals are reasonably expected in an enhanced tier. Premises where between 200 and 799 individuals are reasonably expected to attend will fall into a standard tier. Events will be in scope only where 800 or more individuals are reasonably expected to be present on site for the event at any point and where the other conditions in Clause 3 are met, including that there is an appropriate level of control of access to the event. These qualifying events will also be in the enhanced tier. In limited cases, the Bill ensures that some qualifying premises will be placed in the standard tier regardless of numbers, such as places of worship. This recognises that places of worship play a unique and important role in communities across the country and are often readily accessible and welcoming to all.

This means that there will be certain requirements for those premises. Those responsible for the qualifying premises and events will be required to notify the Security Industry Authority that they are responsible for qualifying premises or events, and to have in place appropriate public protection procedures to reduce the risk of physical harm to individuals in the event of an act of terrorism at or near the premises or event. These two requirements apply to all in scope of the Bill but are the only obligations on those responsible for premises in the standard tier.

What does “public protection” mean? Public protection procedures are intended to be simple and low-cost. There is no requirement to put in place physical measures under this requirement, but there are four categories of procedure. First, evacuation—meaning the process of getting people safely out of the premises—needs to be identified. The second is a word I had not come across until recently: invacuation, which means the process of bringing people safely into safe parts within the premises if required. The third is lockdown, which is the process of securing premises to restrict or prevent entry by an attacker by, for example, locking doors or closing shutters. The last is communication, which relates to the process of alerting people on the premises to the incident and directing them away from danger.

In recognition of the potential greater impact of an attack, premises and events in the enhanced tier will be required to consider additional requirements. This includes the requirement to assess the public protection measures that are appropriate to reduce the risk of harm or vulnerability to a terrorist attack and, so far as is reasonably practical, to ensure that such measures are in place. These public protection measures are as follows: first, measures relating to the monitoring of premises and events and their immediate vicinity, which could include monitoring for warning signs and suspicious behaviour that might indicate a potential attack; secondly, measures relating to the movement of individuals into, out of and within the premises at an event, such as search and screening processes; thirdly, measures relating to the physical safety and security of the premises or event, such as safety glass or hostile vehicle mitigation, where appropriate; and, fourthly, measures that relate to the security of

information about the premises or event that may assist in the planning, preparation or execution of acts of terrorism.

In the enhanced tier, the organisations responsible will be required to provide the Security Industry Authority with a document setting out their public protection procedures and measures, and how these may be expected to reduce the vulnerability and risk of harm from terrorism. Where the responsible person is a body and not an individual, it will be required to designate a senior individual to have responsibility within the body for ensuring compliance with the legislation's requirements. However, I assure the House that this person will not be directly or personally liable for compliance. Part 2 amends the licensing legislation in England, Wales and Scotland to prevent the disclosure of sensitive information in those premises plans.

None of this is practical unless we have compliance and enforcement on top. I hope noble Lords will agree that it is no use having these requirements if an effective enforcement regime is not in place to ensure compliance. The Government have determined that, given the Security Industry Authority's years of experience of increasing security standards around public safety and its wealth of experience in inspecting and enforcing legislation that better protects the public, it is the most appropriate body to oversee enforcement. My department, the Home Office, will work closely with the SIA to develop its new regulatory function, building on existing expertise and knowledge in both the Home Office and the SIA. It will, I hope, bring in the right people, with the right expertise, to ensure an effective and proportionate regulatory approach.

The Government are clear that they will expect the SIA's role to be supporting and advising businesses in the implementation of the legislation in the first instance, if approved by this Parliament. However, it is necessary for the SIA to have an appropriate toolkit of powers and sanctions to carry out inspections and enforce the new regime. This will include the power to issue penalties for serious or persistent non-compliance. To reflect the potential for more serious consequences at larger premises and events, we have included in the legislation weightier penalties for the enhanced tier. These sanctions will be primarily civil, with a small number of criminal offences to underpin the regime and deal with serious non-compliance. Looking at Clause 20, I assure noble Lords that the SIA will be required to consider a range of factors when determining the amount of penalty, including the ability of the premises or event to pay any penalty.

The Bill also requires the SIA to prepare operational guidance, which will set out how it will discharge its duties. Such guidance will be approved by Ministers at the Home Secretary level.

I reassure noble Lords that there will be a significant amount of time following Royal Assent, if this House approves the Bill, before these requirements will be commenced—at least 24 months. We are doing that so that those organisations can plan and understand, guidance can be delivered and there can be a transitional period to ensure that the objectives are achieved in a way that is helpful to all. That will ensure that those responsible for premises and events will be given time to understand and, where necessary, act upon the new

requirements. The Government will also continue to work closely with businesses and organisations to help them to prepare for the new requirements.

As the Home Secretary said when this Bill was debated in the House of Commons, wherever they are and whatever they are doing, people deserve to be safe and feel safe. This Bill is designed to complement the tireless and excellent work that our security services, police and other partners already do to keep us safe. To that end, I echo the words of the Home Secretary in saying thank you to everybody across the national security sphere for all that they do. This Bill is about action when a terrorist event occurs, but I reassure the House that the Government's focus will always be making sure that the public are protected and that we use the powers of government to secure the safety of the public from potential attack in the first place.

Noble Lords will no doubt be familiar with the Bill's long history, which I have touched on, and the extensive engagement, scrutiny and debate that have gone into the proposals. The proposals I have outlined have included a draft version of the legislation, which underwent pre-legislative scrutiny by the Home Affairs Select Committee in the Commons, under the previous Government. The Bill has been developed with the aid of two public consultations, conducted by the previous Government in 2021 and 2024. Under this Government, as under the last, we are trying to get the issue right for this House and for the public.

Throughout these processes, a number of concerns have been raised about the legislation's potential impact, some of which may be reflected in this House today—but I hope that I have listened to, understood and acted on those concerns as reflected. This Government have substantially adjusted the Bill, with some changes from the last Government's proposals, to strike the right balance in achieving public protection objectives but without placing undue burdens on business or other organisations. Crucially, this Government have raised the threshold for the Bill's scope from 100 to 200 individuals attending an event. Furthermore, premises and events will meet that threshold, or the 800 threshold for the enhanced tier, only when it is reasonable to expect that at least as many people will be present there at the same time. This approach has been designed to ensure that they are not unfairly brought within the scope based on size alone.

We have also further clarified that the requirements are not one size fits all, which I hope helps the House. Rather, they are to be based on a more location-specific approach. That reflects the fact that the procedures and measures in place at particular premises and events might not be appropriate, reasonable or practical at another event.

Finally, on the reason why the practical standard now applies to public protection procedures required in both tiers, this is a concept which we expect the majority if not all of those in scope to be familiar with, as it is utilised in other regulatory regimes, such as health and safety. We are confident that, with those changes, the Bill strikes an appropriate balance.

That is the Bill before this House. I expect that there will be comment and discussion on this Second Reading, which I welcome. Before I finish, I pay tribute once more to Figen Murray and all those who have campaigned

[LORD HANSON OF FLINT]

tirelessly for change. It falls to us with this legislation to carry the heavy burden that they have carried since 2017 and to get it on to the statute book as a matter of some urgency.

I thank those in the House of Commons for their scrutiny of the Bill to date and my honourable friend the Security Minister, Dan Jarvis, for his leadership on that. Those in the other place worked constructively and collaboratively to ensure that the Bill is in the best shape possible. I am sure we will experience the same from noble Lords across this House, and I am grateful to those noble Lords who attended the briefing I held yesterday or other meetings organised to discuss the Bill in detail. There is a wealth of experience in this House, and I know that many Members will feel the contents of the Bill personally. I look forward to the scrutiny today and in the coming weeks by noble Lords from across the House. As I look at the list of speakers, I know that they will bring fruitful contributions and suggestions that we will consider, look at and reflect on in due course.

The Bill deserves urgent support to get it through this House. The public rightly deserve to feel safe when visiting public premises and attending events. We think we have the right balance. We hope the Bill, as designed by the current Government, will be given a Second Reading and will complete its passage in this House, but we know there will be contributions and discussions today. I think it is important that locations take appropriate steps, as far as reasonably practicable, to protect staff and the public from the horrific events of terrorism.

It does not happen very often, but this Bill, if passed by this House, will save lives. It will aid people to save lives. It will be a testament to the people who have lost lives in the past and I commend it to the House.

4.56 pm

**Lord Davies of Gower (Con):** My Lords, it gives me great pleasure to address the House at the outset of this important debate on behalf of His Majesty's loyal Opposition. The Terrorism (Protection of Premises) Bill represents a critical step forward in our collective efforts to safeguard the public from the ever-evolving threat of terrorism. As we did when we first introduced this Bill, we on these Benches recognise our solemn duty to protect the security of our citizens while preserving the freedoms and liberties that underpin our society. The Bill seeks to strike a balance between these imperatives, and I welcome the Government's decision to bring it forward.

I wish to speak to the work done by Figen Murray, the mother of Martyn Hett, who, among others, tragically lost his life in the Manchester Arena terrorist attack. Figen's advocacy for this law, alongside that of Detective Chief Inspector Nick Aldworth and Brendan Cox, is a testament to how, from great tragedy and hurt, some good can come. It is fitting that the Bill is more commonly known as Martyn's law, and I join once again in offering sincere condolences to the relatives of the deceased.

The horrific events of recent years, both at home and abroad, have underscored the need for robust measures to prevent attacks and mitigate their impact. The Bill places the onus on those responsible for

high-risk premises to take practical steps to ensure public safety. The introduction of a Protect duty to ensure that venues assess risks and take proportionate actions to mitigate them is a principle that I wholeheartedly support. We live in an age when threats to our national security are diverse and very dynamic. The ability to respond swiftly and effectively, whether to physical threats or those emanating from cyber domains, is paramount. This legislation reinforces the message that we are serious about countering terrorism and protecting our citizens in public places.

We Conservatives believe in the principles of responsibility and accountability. The Bill reflects those values by requiring venue operators to play their part in safeguarding the public. It encourages businesses and organisations to take ownership of their security arrangements and supports a culture of preparedness that will undoubtedly save lives. Furthermore, by focusing on proportionality and risk-based assessments, the Bill will ensure that smaller businesses and community venues are not unduly burdened—a welcome consideration that reflects the realities that local enterprises face across the country.

However, while we broadly support the Bill, it is our duty as legislators to scrutinise it carefully to ensure that its implementation is both effective and fair. There are issues that require clarification, and I therefore have a few questions for the Minister. First, on cost and resource implications, many businesses, especially small and medium enterprises, are still recovering from the economic challenges of recent years. What financial and logistical support will be made available to ensure compliance, particularly for venues that lack the expertise or resources to implement these measures?

On the practicality of enforcement, how will the Government ensure that the Protect duty is enforced consistently across the country? Will there be a clear framework to avoid a patchwork approach that might leave gaps in our national security network? On co-ordination with local authorities, local councils will inevitably play a role in supporting the implementation of the Bill, so has sufficient thought been given to the capacity of local authorities to provide guidance and oversight, particularly in areas where resources are already stretched?

On cybersecurity considerations, in an increasingly interconnected world, how does the Bill address the intersection of physical and cyber threats to premises? Are venue operators equipped with the knowledge to protect themselves against both forms of attack? While the principle of proportionality is embedded in the Bill, how will it be applied in practice to ensure that smaller community venues are not inadvertently discouraged from hosting public events due to perceived administrative or financial burdens?

The Bill is a vital step forward in our efforts to protect the public from the scourge of terrorism. It embodies Conservative values by emphasising responsibility, proportionality, and a collaborative approach to security. However, as always, the devil is in the detail. It is incumbent on us to ensure that this legislation is implemented in a way that is practical, fair and effective. By addressing the questions I have raised, we can strengthen the Bill and ensure that it delivers on its promise to enhance the safety of our citizens without



placing undue burdens on those tasked with its implementation. This side of the House looks forward to engaging constructively with the Government and noble Lords across the House to refine this important legislation. Together, we can ensure that our country remains secure and free, a balance that lies at the heart of our Conservative values.

5.02 pm

**Baroness Suttie (LD):** My Lords, I too thank the Minister for his comprehensive introduction to the Bill and for the very collaborative approach he has adopted so far, which is extremely welcome. I echo his words and those of the noble Lord, Lord Davies, in paying tribute to Figen Murray and the work of the campaign team, which has been tireless and, I hope, will be ultimately successful in passing this Bill very soon.

Keeping people safe, protected and secure when they are in public venues has to be a key responsibility of the state. For that reason, these Benches welcome the introduction of the Bill and will continue to work with the Government and on a cross-party basis to ensure that we have at the end of this process the best possible legislation, which is both proportionate and workable in practice.

The Bill has been broadly welcomed by all key interest groups, including the victims' families. It is important that we continue to reach out to all those with detailed or personal understanding and knowledge. In that regard, I am very grateful for the briefing we have received from the Martyn's law campaign team and Figen Murray. In all our deliberations, it is essential that we remember the potential human impact of not getting this right. The Manchester Arena terror attack was utterly heartbreaking. Deliberately targeting children and young people at a concert is beyond evil. It is so important that we learn lessons from that and other terrorist attacks. Inaction is simply not an option.

The nature of terrorism is changing. There are increased global tensions, including ongoing wars in the Middle East, Sudan and Ukraine. There is growth in state terrorism and information—and misinformation—wars are constantly developing. Threats are no longer necessarily from organised groups. Lone individuals, often with mental health issues and motivated by things they believe that they have read online, can organise random attacks resulting in devastating death and destruction, as we so tragically witnessed over the Christmas holidays in Magdeburg in Germany and New Orleans in the United States.

All this means that we have to change how we think about security, terrorism and potential attacks. As the very powerful briefing note we received from the Martyn's law campaign team reminded us, we need to ensure that this new law

“will mobilise society against these enduring, and ever-changing, threats and make us more resistant to terrorism, and more resilient as a society ... As the tactics of terrorists change, so must our strategies to defeat them”.

As the Minister reminded us, there have been many stages to reaching the Bill we are debating today, including pre-legislative scrutiny and consultation, which have resulted in some substantive changes to the previous draft introduced by the Conservative Party. Notably,

the threshold has been increased from 100 to 200 for the standard-sized venues or events. This has not been universally welcomed, with some believing the figure is still too low and others feeling it is now too high.

This is no doubt a subject we will return to in more detail in Committee, but I would be very grateful if the Minister could say in his concluding remarks how the Government intend to assess the appropriateness of setting the threshold at 200, and what criteria and timeframe they will use to make this judgment.

It is very important that there is public trust in this legislation. So many organisations will be directly impacted, from local government to the entertainment industry, the voluntary sector, small businesses and the insurance industry, to name just those that made contact with us ahead of this debate. It is important to keep consulting them to ensure that unintended consequences stemming from this legislation are kept to a minimum.

One issue raised by a great many organisations is the need for greater clarity regarding training and guidance. I know that some welcome commitments, specifically on training, were given to my honourable friend Ben Maguire MP in Committee in the House of Commons, but I would be grateful if the Minister could say a little more about how the Government intend to ensure an overview of the quality of the guidance and training. In particular, it would be helpful if he could say by whom and how trainers and training courses will be approved.

Closely related to the issue of guidance is the issue of communication and information flow. It is vital that all organisations that will have to comply with this new legislation are aware of what they have to do, in what timeframe, what their responsibilities are and why it is important. They will also need to know what financial assistance, if any, will be available to them. I am sure that the Government are planning a significant information campaign about this legislation, but it would be extremely useful to hear a little more about their communications plans from the Minister in his concluding remarks.

There is also the equally important issue of the information flow from the security services, on which I am sure other noble Lords speaking in the debate will concentrate. It is particularly important for larger venues, especially during times of enhanced national threat levels, that there is an adequate communication between larger venues and the security sector. I would be grateful if the Minister could say a little more about how the interface between the security services preventing terrorism in the first place and those responsible for ensuring security in premises will work in practice.

My final area of concern is enforcement, on which the Minister concentrated rather a lot in his speech. Like him, I believe there is no point in passing new legislation if it is not enforced. Last week, following the New Orleans attacks, there were reports in our media that many of the permanent anti-terror barriers have still not been built in the UK following the 2017 attacks. Several key bridges in London, for example, have not yet introduced the necessary safety barriers. I appreciate that such outdoor attacks would be beyond the scope of this Bill—which is about protecting

[BARONESS SUTTIE]

premises—but the wider issue of enforcement and implementation is incredibly important, not least in terms of ensuring public confidence in the process.

As I understand it, the SIA, the new regulator, will have the power to enforce the anti-terrorism measures springing from the Bill. The public need to have confidence that the measures will be backed up by rigorous enforcement and accompanied by the necessary funding. Can the Minister say whether he is confident that the enforcement measures in the Bill will be strong enough? How will they be monitored? Does he not agree that the SIA will require additional resources and funding?

Getting this Bill right is terribly important, but so is getting the balance right. People must never be too scared to go out and live their lives; nor should we produce laws that end up stifling creativity or local activity and volunteering. We need to ensure that the provisions in the Bill are proportionate. The costs of implementation must not be overly burdensome for small organisations. However, that has to be weighed against the cost of not having effective protection strategies in place. First and foremost, there needs to be confidence that systems and security measures are in place to protect people in public venues. As the Minister said, there has been an extremely long wait for this legislation, but I hope we can now work quickly and effectively, and as thoroughly as we can, to get it done.

5.10 pm

**Lord Anderson of Ipswich (CB):** My Lords, this Bill has been forged in reaction to a despicable terrorist attack, dignified by the name of one of its victims, promoted by his courageous mother and subject to a high degree of cross-party consensus. Those are all admirable things, but they also underline the need for serious and dispassionate parliamentary scrutiny.

It is sometimes said that the meaningful scrutiny of Bills is nowadays the province of this House only, and examples of that are not unknown. However, having followed the progress of this Bill through the Commons, with particular reference to the work of the Public Bill Committee and the Home Affairs Select Committee—the independence of which on this matter was notable—I have a lot of respect for the evidence they have taken and the work they have done. That is now reflected in the reformulated and, I must say, improved Bill. I particularly welcome the test of reasonable practicability, so familiar from health and safety legislation, and the changes to the lower threshold for qualifying premises, which is strongly supported by the National Association of Local Councils. It will take out of the scope of the Bill over 100,000 premises—including small parish churches, village halls and town centre cafes—that cannot reasonably be expected to host as many as 200 people.

I remember discussing with Tom Tugendhat, when he was the Security Minister responsible for the Bill, whether it was necessary to put the limit as low as a capacity of 100. He of course held the line at the time, but it was interesting to see that, once released from his responsibilities, he tabled an amendment in Committee that sought to raise the revised lower limit from 200 to 300.

I am grateful to the Minister for meeting with me on this issue. I hope he will forgive me if I remain slightly sceptical about the likely value of the obligations placed on the smallest standard duty premises. A £3,313 average cost over 10 years is not a trivial amount for a financially marginal business or a village hall struggling to raise funds. Yet compliance with the standard duty, as can be seen in Clause 1(1), is intended not to reduce the vulnerability of such premises to acts of terrorism, but to reduce only the risk of physical harm once an act of terrorism is imminent or has started. As the Minister covered in his opening speech, Clause 5(3) demonstrates what that will mean: guarding and locking doors, ensuring that people know where the exits are, and so on.

Bearing in mind the modest extent of the standard duty, I wonder how much the centrally available guidance, which operators are supposed to download, will add to the common sense of those who operate small venues and know them inside out, particularly when, as is thankfully the case in most places, the risk of a terrorist attack is almost vanishingly small. The Minister probably feels that by shifting the minimum threshold to 200 he has reached a widely acceptable compromise, and he may well be right.

However, I remain concerned by the ease by which, by affirmative regulation, 100,000 extra premises could be brought within the scope of the Bill, and many more made subject to the enhanced duties. After a terrorist attack, it can be tempting for any Government to be seen to take immediate action to tighten up the law. Of course, the noble Baroness, Lady May, to whom it was my great privilege to report as Independent Reviewer of Terrorism Legislation, was made of stronger stuff, and so, I suspect, is the Minister. But others do succumb to temptation of this kind, and activating such a power would be an obvious and tempting response.

I make two suggestions. Just to concentrate minds a little, could the operation of Clause 32 not be made conditional on the Secretary of State being satisfied that changing the threshold is justified on the basis of the terrorist threat? That is in the Delegated Powers Committee memorandum; why not put it in the Bill? This would not prevent it being done, but it would make it more likely that it will be done for the right reasons. Secondly, the Delegated Powers Committee memorandum claims as a precedent for this power Section 2 of the Fire Safety Act 2021, which indeed provides for a similar affirmative power to change premises to which the fire safety order applies, but that section contains a statutory obligation to consult. Bearing in mind the extensive consultation that arrived at the figures of 200 and 800, surely at least some consultation would be appropriate before Ministers intervene to change them by regulation.

I have a couple of other points. Noble Lords will have seen a submission from LIVE, which describes itself as the live music industry body in the UK. LIVE makes the point that music festivals, venues and events are already regulated under the Licensing Act 2003, with, where appropriate, highly developed counter-terrorism measures secured by licence conditions. This is overseen, it says, by safety advisory groups which take advice from local police forces and local counterterrorism security co-ordinators. Is that a picture the Minister recognises and, if so, can he give us some more detail

on what the regime in the Bill will add to what is described? I do not doubt it will add something. Will the mechanisms described by LIVE persist after Martyn's law has entered into force? How will any overlap be dealt with, and how will the existing mechanisms be integrated into the approach of the SIA? It would be good to hear more about this since, as the Regulatory Policy Committee points out, the Bill's impact assessment provides no evidence that a new regulator with national inspectors would be efficient compared with local authority compliance, and the new regulator is of course given very strong enforcement powers.

Finally, I noticed from Schedule 2 that certain premises are excluded from the Bill. Premises occupied by the devolved Administrations in Scotland, Wales and Northern Ireland are excluded, but those occupied by the United Kingdom Civil Service are not. I wonder if the Minister can tell us why. Also excluded from the Bill are premises occupied for the purposes of the devolved legislatures, the House of Commons and the House of Lords. I assume that these premises, or some of them, are considered to fall within Schedule 1; otherwise, no exclusion from the Bill would be necessary. No doubt other precautions are in place, but although we are frequently urged to do our fire safety training, I do not recall hearing anything about the threat of terrorism, which is perhaps rather greater here than it is in my village hall. I should be grateful if the Minister told us what difficulties there are in applying the standard and enhanced duties to Westminster as they are applied to Whitehall, and explained why parliamentary buildings are exempt.

5.18 pm

**The Lord Bishop of Manchester:** My Lords, as a bishop whose diocese includes around 300 places of worship, most of which will find that this Bill directly applies to them, I have, along with my right reverend friends on these Benches, a very obvious interest to declare. But as the Bishop of Manchester, I have a more specific reason for wanting to see this Bill reach the statute book. Martyn Hett, whose name is immortalised in the informal title by which we know this Bill, was killed some three minutes' walk from my cathedral. We are all grateful for the persistence of his mother, Figen, over these last seven years, and for achieving the degree of cross-party consensus that has brought us to this point today.

In the immediate aftermath of the Manchester attack, it fell to me to help lead my city and its people in how we responded. I spoke then of the crucial difference between defiance and revenge. For me, that comes direct from my reading of the Christian scriptures, but the application is for those of all faiths and none. The terrorist sought to divide us. Acts of revenge by one part of the community against another would have played into his hands.

Instead, we showed our defiance. We came together in one of the most moving examples of a community embracing its diversity and showing its love that I have ever seen. We in Manchester were helped in responding to the atrocity by the support given to us by national leaders, not least the then Prime Minister, the now noble Baroness, Lady May of Maidenhead, whom it is a pleasure to see in her place among us this afternoon.

Crucially, by being defiant we did not allow the extremists to determine how we lived our lives. We did not cower behind our front doors. We did not retreat to the safety of those who looked, thought or believed like us. We got on with our lives, while being somewhat more vigilant than before. That same principle needs to lie at the heart of this Bill. Its provisions need to be such that they do not lead to mass cancellations of events, nor to the closure of social, commercial and religious venues which cannot afford the costs of compliance. What we enact in this Bill must be proportionate. It must balance the very real risks that we face with the need for us to live as we choose, not as the terrorists seek to dictate.

I think that we have got that balance broadly right in the form that the Bill has reached us. I am grateful for the various amendments made in the other place. It is right that we focus on the expected attendance at an event rather than some technical capacity of a building. Many of my churches are built to hold the largest occasion likely ever to be required. While I pray for the day when every service is as packed as it is on Christmas Eve, I need to be realistic, and we all need to pursue measures commensurate with the numbers that we expect. The same will apply to many other venues.

I am grateful, like other noble Lords, for the standard tier commencing at 200 rather than 100. This will save smaller events, often community-led and dependent on volunteers. It will help vital local venues remain open to serve their community. However, increasing the figure to 300 would go too far. I am minded to oppose any changes to the number during the future stages of the Bill.

While we are still at an early stage of our consideration of the Bill in this House, I hope that either today or at a later stage the Minister can offer faith and voluntary sector groups, along with other less commercial venues, training that is free, easy to access and available in a wide range of languages and formats. We all need to be fully equipped for the responsibilities that this Bill assigns to us. Given that places of worship across all main religions form between 10% and 20% of the affected premises at a guess, I ask the Minister for his assurance that His Majesty's Government will produce guidance specifically to address these contexts before the Bill is enacted. I assure him that I and others stand ready to help in that task in any way that we can.

I thank those who drafted the Bill for recognising that places of worship are special and are allocated accordingly to the standard tier irrespective of capacity or likely attendance. As other noble Lords have noted, this appropriately recognises the relationship between those buildings and the communities that they serve and the deep experience that faith communities have of working with police and specialist security providers for those occasional very large events that we host.

Much will no doubt be said, later today and as we go on, about the role of the SIA as regulator. As with the other provisions of the Bill, the regulator's powers and responsibilities need to be proportionate to the task. We do not want a toothless tiger or an overbearing and unaccountable overlord, but I will listen carefully to the arguments made on the powers, responsibilities and accountabilities of the regulator as the Bill progresses.

[THE LORD BISHOP OF MANCHESTER]

Finally, while reiterating my thanks and those of my colleagues on these Benches to Figen Murray, I also single out Brendan Cox, whose wife Jo was murdered while fulfilling her parliamentary duties. I have had the privilege of meeting him on a number of occasions and offering my support to what he, Figen and others have been doing over these last few years to address the ever-present threat of terrorist atrocities. However, Jo's death reminds us that one of the main ongoing terror threats in the UK, as recognised by our security forces, comes from those inspired by extreme right-wing voices. These seem to be increasingly tolerated, perhaps even encouraged, on some social media platforms. Beyond the scope of this Bill but building on the exchanges that we had at Oral Questions earlier today, I urge His Majesty's Government to complete the implementation of the Online Safety Act now, as a matter of urgency, so that fines based on total global earnings can be levied against those who seek to undermine our parliamentary democracy from outside the UK.

It is not enough for us to focus purely on security at public events; we need to get upstream. This year, 2025, must be the year when Britain takes decisive action against those who seek to radicalise others or to normalise violence in pursuit of political ends, whether they come from within the UK or beyond our shores, and no matter how wealthy or how powerfully connected they may be.

5.24 pm

**Lord Harris of Haringey (Lab):** My Lords, I declare my interest as chair of the National Preparedness Commission.

I will also start by paying tribute to Figen Murray: tempered by her own experience of the tragedy of the Manchester Arena terrorist attack, her work promoting the principles behind the Bill has been nothing short of extraordinary. Not only has she campaigned, but she has researched the subject and was awarded an MSc by the University of Central Lancashire in 2021. Her thesis, which I have read—particularly as I am quoted in it—argues that legislation needs to be part of a wider initiative to inform the public, so that people can be empowered to be more vigilant and more conscious of their personal safety. A legislative framework and public awareness not only have to go hand in hand but are mutually reinforcing.

In 2016, Mayor Sadiq Khan—I congratulate him on his knighthood in the New Year Honours List—asked me to report on London's preparedness to respond to a major terrorist incident. One of my recommendations, published six months before the Manchester Arena attack, was that, as a condition of licensing, venues should have to be reviewed by a police counterterrorism security adviser and to have taken the necessary action as a result of that review.

The point of this, which is implicit in the Bill before your Lordships' House, is that there cannot be a one-size-fits-all approach. Each venue is different and faces a different type of threat, but the principle of carrying out a basic assessment of the risk and taking sensible, proportionate security measures is simple, straightforward and should be unavoidable.

Concert halls, theatres and other venues must, by law, take fire precautions as well as meeting other regulatory requirements. It seems extraordinary, therefore, that, until the Bill passes, there is no requirement on them to take advice on reducing the risk of a terrorist attack and to take sensible precautions. In some instances, bag checks may be enough; in others, they may want to look at other measures. In extreme cases, metal detectors or knife arches may be more appropriate for the largest of venues. Similar rules should also apply to sports stadia, large shops and shopping malls.

This principle was accepted by the previous Government. The 2019 Conservative manifesto said:

"In the wake of the terrible events in Manchester in 2017, we will improve the safety and security of public venues".

Last year's manifesto was even more explicit:

"We will urgently introduce Martyr's Law ... This will ensure premises are better prepared for terrorist attacks by requiring them to take proportionate steps to mitigate risks".

Thus, there is wide political consensus about this measure and, after the delays of the last few years, I am pleased that this new Government are at last taking action.

Let us be clear: terrorism has not gone away. Only last week, we saw the car ramming in New Orleans. Ken McCallum—also knighted in the New Year Honours List, and whom I also congratulate—warned in October that:

"Since March 2017, MI5 and the police have together disrupted 43 late-stage attack plots".

"Some of those ... were ... in the final days of planning mass murder",

at the point when the intervention took place.

The nature of the terrorist threat has changed. It no longer necessarily comes from organised groups. In my second report for the Mayor of London, completed three years ago, I warned that attacks are increasingly committed by individuals who operate alone, frequently self-radicalising and learning techniques online. Attacks of this nature are inevitably harder to detect and prevent in advance. They may also be opportunistic and mean that the range and nature of potential targets have widened to include far more venues that previously would not have been considered under any circumstances.

What is more, while the majority of those planning attacks would appear to be Islamist extremists, an increasing proportion are domestic and extreme right-wing. As Ken McCallum said, MI5 and the police are increasingly encountering would-be terrorists who are more volatile and with only a tenuous grasp of the ideologies they profess to follow, and it is becoming harder these days to determine whether a particular act or planned act of violence is ideologically motivated or driven by another factor such as mental health. It does not really matter what the ideation or motivation is: the effects are the same, and the needs for the sensible precautions being included in this Bill remain under all those circumstances, irrespective of whether it is traditional terrorism or something else.

Of course, as I warned three years ago, in online spaces, extremism is increasingly prevalent and, more worrying still, has become almost normalised; this point has just been made by the right reverend Prelate. This spills over into greater polarisation in the real world, which, in turn, can and does lead to violence.

That is the context of modern terrorism, and that is why anyone can be a target. The first volume of the Manchester Arena inquiry reported:

“None of those directly concerned with security at the Arena ... considered it a realistic possibility that a terrorist attack would happen there”.

Yet, as we know, it did, and 22 people were killed and 1,017 injured. That is why this Bill is needed.

Nowadays, it is taken as a given that the places we visit abide by health and safety regulations and will take appropriate fire precautions. It is surely not unreasonable to expect them also to take appropriate and proportionate protection measures against terrorist violence. Now, of course, better security checks and a Protect duty will not prevent terrorism, but they make soft targets harder. Where many people congregate together, they have a right to expect that the appropriate and proportionate measures to protect them will have been taken. The aim should be that all venues have their own Protect plan and, in the event of an incident, be geared up to guide and shelter those who visit. At the very least, those responsible should have considered the implications—how to evacuate, how to invacuate, what doors should be locked, and so on—and that this has been conveyed to those working in the location concerned. It is much better to have thought about it, even just a little bit, before an event happens than to be doing so in the heat of an attack.

The principle has to apply to other sectors as well. In the past, most places of worship—again, the right reverend Prelate has talked about this—have often seemed to operate on the basis that an attack would not happen to them because of their innate goodness, but they, too, need to plan and take sensible precautions. They have been the subject of attacks in Europe and elsewhere. Of course, it is difficult: places of worship are intended to be open places of sanctuary and peace, but that does not mean that they cannot be targets, and sensible and proportionate measures should be taken there too.

In my 2016 review, I made a series of recommendations on strengthening the Protect responsibilities, which I think remain valid today, including that the Home Office will need to provide more funding for CT security advisers around the country; that counterterrorism advice should automatically be taken by those applying for venue and event licences; that there should be short-form advice on CT matters for small and micro businesses rolled out using local authority and neighbourhood policing networks, so that everyone has access to that sort of sensible advice; that owners and operators of shopping centres and other large venues should ensure that Project Griffin training is being given at regular enough intervals to deal with the high staff turnover that those businesses and organisations experience; and that there should be specific training for other sectors.

I also suggested that the Department for Education should build on the model of having a designated governor responsible for safeguarding, to ensure that each school appoints a governor responsible for ensuring security and preparedness against an attack—to at least think about it in advance. Each school should have a preparedness plan, and those plans should be tested. Schools have fire drills where they evacuate

pupils, so they perhaps need to have lockdown drills to invacuate pupils or at least to have considered how those might operate.

I hope that the Bill gets a smooth passage through your Lordships' House. I believe that we owe it to the victims of the Manchester Arena attack, the two London Bridge attacks and all the other attacks of recent years. It is our responsibility to give them, and the public who visit those venues, the security that this offers.

5.35 pm

**Baroness May of Maidenhead (Con):** My Lords, the attacks that took place in Magdeburg and New Orleans over Christmas and the new year, as have been referenced by other noble Lords, show that we cannot be complacent about the terrorist threat. There is a danger, when terrorist attacks do not take place for a period of time, that we are lulled into a false sense of complacency, and we must not be. That is one of the reasons why this Bill is so important. I welcome the fact that the Government have brought it forward so early in their legislative programme, and I welcome the fact that it has such broad cross-party support.

As we debate and talk about this Bill today, my thoughts are with all of those who were the victims and affected by the Manchester Arena terrorist attack. Having visited some of the survivors in hospital shortly after the event, and having met more survivors thereafter subsequently, I realised the absolute horror of what took place on that night and the horror of a terrorist who deliberately focused on attacking children and young people. That night was a traumatic night for all involved, and, of course, as we know, that will be with them for the rest of their lives, but our response has to be that we do what we can to ensure that, in future, if a terrorist attack takes place where an event is taking place of that sort in premises where there are significant numbers of people, fewer people lose their lives and, as far as possible, injuries are reduced. That, of course, is the key focus of this Bill. As Clause 5(2) says:

“The objective is to reduce the risk of physical harm being caused to individuals if an act of terrorism were to occur on the premises, at the event or in the immediate vicinity of the premises or event”.

I also would like to commend Figen Murray and all those who have worked with her for their dogged determination in making sure that this legislation is now before Parliament and is—we all hope, shortly—to reach the statute book.

I want to make just a few points about some aspects of the legislation and slightly more widely too. My first point is about the SIA, and I think that it is important that this House properly considers the role of the SIA and the capacity of the SIA to undertake the tasks that it is being required to do as a result of this Bill, tasks which are different from the original purpose set up for the SIA, which was very much in terms of the licensing and consideration of the suitability of individuals to be part of the security industry. This is a significant expansion of its work, and we need to ensure that it understands and has the training that it needs in order to be able to undertake its tasks in relation to this, and I just ask the Government that they think very carefully about the SIA and its role, because I think it is right that we should debate that and consider it.

[BARONESS MAY OF MAIDENHEAD]

I also am concerned that we do not allow or do not see a situation where venues are almost bombarded by consultants who are all too keen to advise them on the steps that they should be taking, regardless of whether those steps are actually what is required in the legislation or not. That will be particularly the case, I think, for smaller venues, whose responsibilities will not be so great but which could be lulled into thinking that they have to do significantly more as a result of the advice that they receive from such consultants. So there is a very real issue there, I think, that has to be considered.

I want also to go a little beyond the Bill, if the Minister and the House will indulge me. This is about premises that exist already. One of the great things we did at London 2012 was to ensure that, when all those new Olympic venues were being built, security was built in and planned in at the earliest stage of planning those buildings. I just wonder whether the Government could look at encouraging—this would probably be in other legislation, perhaps planning or building regulations—efforts to be made at the earliest possible stage to build that security in, particularly for large-scale events venues, so that we do not have to look at it as an afterthought.

I also want to talk about communications, which has been raised by other noble Lords—communications in several senses. The first is communication between those responsible in a venue and the emergency services. I have been thinking of a situation where the people responsible in a venue know what to do, something has happened, and they possibly start evacuating, but the emergency services and the police—who would undoubtedly be, as they always are, the lead in this—might actually wish to see different action being taken. The communication between those two, and the staff in the venue understanding the role of the police and the emergency services and the importance of recognising the primacy of the police in that situation, will be an important part of the education.

One of the issues that arose in the response to the Manchester Arena attack was the lack of communication between the emergency services. Again, this is perhaps not something that is technically for the face of this Bill. But it is an issue that needs to be considered as we look at the whole question of the response at premises should an attack take place, making sure that the rules of engagement, the rules of communication, between the emergency services are rather better understood, and that the proper JESIP training takes place so that we do not see those gaps in communication.

Another point on communication is cyberterrorism, which my noble friend Lord Davies referenced. As we look at and think about the Bill, it is about premises, locking gates, evacuating people, having the right exits and so forth. But some of that will be about communicating, and cyberterrorism could actually mean that the means of communication with members of the public in a venue are affected. Indeed, if perhaps a venue has automatic door-locking systems, they could be affected. So, in looking at what people need to do, it is important that the potential impact of cyberterrorism is looked at as well.

As I said, this is an important Bill. It does something that, on the face of it, seems to be very obvious: that people who are responsible for venues, or for holding

large-scale public events, just think about the safety and security of people within those events and about what needs to happen if there is an attack—if something goes wrong. But sadly, as we saw at Manchester Arena and elsewhere, what is obvious is not always done. That is why the Bill is so important, because it will bring home to people the responsibilities they have to ensure the increased safety of those people who attend events at their premises. The responsibility we have is to make sure that this Bill is the best it can be.

5.43 pm

**Lord Browne of Ladyton (Lab):** My Lords, it is a pleasure to speak in support of the Bill and a particular pleasure to follow the noble Baroness, Lady May of Maidenhead, who has a long and distinguished record in this area of policy. I share her concerns about the appropriateness of the SIA as a regulator and, as she is aware, I have a few of my own.

Because of my noble friend the Minister's characteristically collaborative approach and his and his officials' openness to discussion not only in this context but outside aspects of the Bill, I have had the opportunity, as other Members of your Lordships' House who will speak in this debate had yesterday, to discuss aspects of the Bill with him at his invitation. I shared those discussions to some extent, but I do not intend to take up much time today on the details of that; I will wait to see how far those off-piste conversations get me before I decide what I will say further. But in any event, I thank him and commend him for his comprehensive and helpful introductory speech. I am very conscious that he will live up to the offer he has made to be engaging and collaborative.

When measuring the effectiveness of legislation, the simple law of cause and effect should be adhered to. We should always ask ourselves two questions. First, why is the Bill needed? Secondly, does it do what it purports to do and address the problem that led to its creation in the first place? I believe that this legislation offers an answer to both questions. As your Lordships' House has already been reminded—as if a reminder were needed—it is tragedy that has brought us here today. I do not intend to rehearse the circumstances at length, but I pay my own tribute to Figen Murray, whose indefatigable campaigning, with others, is not only a model of its kind but reflective of her selfless determination to ensure that no other parent should have to suffer the same grief she has suffered. Indeed, that is itself an answer to the first question I posed. The Bill is necessary to help protect our people from co-ordinated malign terrorist activity, to protect their families from unimaginable grief, and to increase our collective preparedness for acts of terror where they seem feasible.

The answer to the second question I posed is less stark but none the less positive. As we heard, the Bill establishes a tiered approach, linked to the activity that takes place at premises or an event, balanced against the number of individuals it is reasonable to expect might be present at the same time. It does not, and does not purport to, prevent terrorism, save, perhaps, at the margins. That is the job of the police and the security services.

In recognising that, I note the extraordinary work of the security services in disrupting 39 late-stage terrorist plots since 2017. In that context, can the Minister indicate what percentage of those plots would have affected premises within the scope of the Bill? Again, I realise that it is not a Bill designed to mitigate terrorist activity but to ensure that staff and volunteers know what to do in the event of an emergency. I ask that question because, when reading proceedings in the other place and the briefings that I suspect we have all received—I do not think they were sent to me for any particular reason other than that I was on the list of speakers—the bombings of two Birmingham pubs in 1974 came to mind. The Mulberry Bush and The Tavern in the Town were the two pubs in question. I re-read some of the things I was familiar with, and the testimony from a survivor who was in The Tavern in the Town tells us that everyone who was in the pub was either injured or killed. That was 111 people in total, with similar figures tragically reflected in The Mulberry Bush. If that information is correct, neither of these pubs would have been within the scope of the legislation.

The briefing that I and other speakers received from Survivors Against Terror suggested that the threshold has significantly reduced the impact of the Bill and that we should support, as it does, reducing that threshold, either now or in due course, to 100 or below. I am not making a case for this; I am simply reflecting the case that was made to us all. I am sure that my noble friend the Minister is familiar with the detail of its advocacy for such an approach. Interestingly, the Birmingham pub bombings, and possibly other atrocities, support that approach too.

The iterative approach by which the Bill has emerged from its chrysalis phase under the last Government into the proportionate, measured and effective shape of the legislation we are gathered to examine this afternoon, is testament to the value of our proceedings. It is Parliament's scrutiny—principally in the other place, as the noble Lord, Lord Anderson of Ipswich, reminded us—that has achieved this.

In July 2023, a previous attempt at this legislation was described as a “not fit for purpose” by the Home Affairs Committee, which also outlined serious concerns about its proportionality. I do not often praise them, but the previous Government received this feedback in a constructive spirit and launched a further public consultation to remedy these shortcomings, the findings of which enabled the new Administration to fashion this improved legislation.

This spirit of constructive cross-party unity around this Bill has its dangers—again, as the noble Lord, Lord Anderson of Ipswich, reminded us—but, from my perspective, it is not merely enormously helpful from a practical standpoint but also holds symbolic value in that, in response to the amoral exercise of terrorist violence, we show the value of quiet diligence and a willingness to work across the House to find the remedy for it.

One of the comparatively small areas of contention has been the existence of the discretionary powers afforded to the Secretary of State to reduce the numerical threshold for the standard tier from 200 to 100 people. I recognise that the current number has been chosen for good reasons, not merely financial but in terms of

freeing small businesses and organisations, such as village halls and community cafés, from more than necessary regulatory burdens. But, while they are all equally important in absolute terms, some venues of equivalent sizes are at significantly divergent risk of terrorist attack: for instance, a pub or a café near a military base that habitually hosts off-duty soldiers incurs a more significant terrorist threat than a hospitality business located elsewhere. With the proviso that the responsibility for monitoring such threats lies elsewhere, is any scope being considered to take specific venues of this type into either the standard or the enhanced tier?

My final point of clarification at this stage in the debate is that, subject to some minor qualifications, the extent of this Bill is for the whole of the UK. However, it has implications for policy areas that are devolved. I understand that officials are discussing these areas. I know from my experience as Secretary of State for Scotland that that process has proven positive many times before in relationships between the United Kingdom Government and the devolved Government in Scotland, for example. Can the Minister confirm that these discussions will be appropriately supported by Minister-to-Minister dialogue to preclude any difficulties in this respect further down the track? They can arise very quickly.

Despite my few points of clarification, I emphasise that I support this Bill, its intentions and the way in which they have been reflected in the drafting of its provisions. As it stands, this legislation is referred to as the Terrorism (Protection of Premises) Bill, but we all know, as we were appropriately reminded by noble Lord, Lord Davies of Gower, in his speech, that it will forever be known as Martyn's law. I believe we owe it to his memory, and to all those who have been victims or survivors of terrorism, to ensure that it undergoes that transformation as soon as possible.

5.53 pm

**Lord Carlile of Berriew (CB):** My Lords, having spent just over half of my life in one or other House of this Parliament, I regret that I have become more resistant than I should be to campaigns. But I am proud to support the campaign that has led us here today, and I congratulate the Government and, indeed, the Opposition on their support for this legislation in general terms and on their willingness to improve the Bill as we work our way through it. I particularly congratulate Figen Murray, whom I have met on a number of occasions, and her supporting team, on everything they have done. They have taken a balanced and constructive approach and have been ready to listen to arguments on some of the difficult issues that have already been discussed during today's debate. Of course, we should never forget all those who suffered as a result of the Manchester Arena attack.

I also congratulate Sir John Saunders, who conducted a magnificent inquiry into the Manchester Arena attack, using all the skill that he gained as a judge in Birmingham Crown Court and later as a High Court judge. It was an absolute model of its kind and we owe Sir John a great deal.

What we are discussing here is not something that fills a gap but something that completes more fully counterterrorism law and provisions in this country. Making these particular provisions is going to be very useful in that task.

[LORD CARLILE OF BERRIEW]

In supporting the Bill, I do however want to raise a few issues that I urge the Government to consider. The first echoes what was said by the noble Baroness, Lady May, in relation to the SIA. I had some dealings over the years with the SIA and, as the noble Baroness said, it has been dealing mostly with security guards and other individual issues, so it is embarking on new and difficult territory. The two-year introduction period, which is long, nevertheless allows for full and proper implementation to be achieved. It will need that time and it will need every bit of help that it can be given, including by us as legislators.

Part of the SIA's task is to produce legal guidance on the provisions of the Bill. I hope that some scoping of that legal guidance has taken place and I also hope that we can see at least a draft of such a legal guidance before Committee, so that we can consider and comment on such guidance. There is a great deal of expertise in your Lordships' House that would assist the SIA and it is perfectly reasonable to ask for that to be seen as part of the legislative process.

I turn next to a difficult issue about civil liability. There may well be cases where normal civil liability—that is to say, mostly for negligence or breach of statutory duty, under ordinary civil claims procedures—might be justified and appropriate in relation to the failure to meet the requirements set out by the Bill, the Act as it will become, and the legal guidance that has been issued. Clause 31(2) appears to share that view. However, Clause 31(1) as described and explained in paragraph 166 of the Explanatory Notes—I will not read it now because it would take too long—excludes claims for breaches of statutory duty. I do not begin to understand the rationale for that. As a veteran of industrial injuries claims—hundreds and hundreds of them in my time as a barrister—I know that it is absolutely commonplace to plead in a claim both breach of statutory duty and negligence, and often judges give judgments in which damages are awarded for both breach of statutory duty and negligence. Why is that excluded here? I believe it is an inadvertent mistake that should be reviewed.

I turn next to the question of corporate civil liability. In some parts of the Bill there are provisions that appear to extend corporate civil liability—but they do not. What is provided in the Bill is that, if a company commits an offence, an officer, as described in Clause 26(2)(a) may also be liable for the offence that has been committed. But it does not make the company liable if an individual who works for that company has committed an egregious act that otherwise might give rise to criminal liability. The bar against establishing the liability of a company in any civil proceedings is high because, to use the vernacular phrase often used by lawyers, there is a requirement to show that someone who is the eyes and ears of the company is responsible for the wrong that has been committed. That has not been extended in this Bill, even though it has been extended elsewhere in legislation in the recent past. So I ask the Minister to examine that issue and I would be very happy to discuss it with him further. Indeed, I pay tribute, as others have, to the noble Lord, Lord Hanson, who could not have been more available to all of us in this House who wished to discuss this Bill with him.

I turn next to planning and licensing considerations. Planning considerations arise when an application is made for planning consent for a new venue, obviously, or for significant alterations in the planning provisions for a venue. The issues raised in this Bill should become central to such planning applications. Equally, it should become central to licensing authorities' considerations when they are deciding whether permanent or temporary licences should be granted. Indeed, I would suggest that those who are already involved—I know there are distinguished organisations, particularly in Manchester, involved in training commercial entertainment and retail centre providers—should be asked to train planning officers, councillors and licensing authorities in these matters.

I echo something that was said by the noble Baroness, Lady May, about consultancies. I fear, having represented at one time a lot of villages in rural Wales, that those village hall committees may find themselves paying not £300 a year but a great deal more to some good and some pretty awful consultancies, which do not have very much to offer and where such things could be offered in a different way. We owe a duty to those who run village halls and similar entities to be assisted to avoid unnecessary costs arising from the Bill. If there are necessary costs, so be it, but not unnecessary costs.

I emphasise—and this has not been said—that the Bill does not remove from the public their sense of responsibility. How many of us have been to venues where we waited in a queue while somebody brought into that venue—be it a theatre, nightclub or restaurant where there is security—large bags full of unnecessary quantities of possessions that are almost impossible to examine in a meaningful way without the mechanics or machinery for search? The public must understand that it is their responsibility when they go to such a venue not to take with them haversacks on their backs containing their overnight clothes and equipment for the weekend. This is something that requires all of us to do our duty as citizens.

Finally, I regard this as a very good Bill. If the Minister can provide reassurances on the subjects that have been raised by me and others, it would be very welcome. What we are doing is improving the safety of the public, albeit arising from tragic circumstances that should never have occurred.

6.03 pm

**Lord Frost (Con):** My Lords, I begin by thanking the Minister for his very reasonable opening statement. I regret not being able to make his consultation meeting yesterday.

I have a dilemma with this legislation. On the one hand, it is clearly true that we all have a responsibility to consider how we as a society face up to the sickening evil of major terrorist attacks. We all have huge sympathy, of course, with the families of victims. We understand their outrage and anger at the failings, and we admire their work to try to ensure that what happened to them does not happen to others in future. On the other hand, we as legislators have a duty to take a wider perspective and to assess whether proposed measures will genuinely reduce risks without imposing disproportionate burdens.



I am not the first person to make these points; they were made a couple of years ago by the Commons Home Affairs Committee in the previous Parliament. It is striking to me that both consultations on this legislation, in 2021 and last year, produced quite a wide range of responses, with concerns about implementation and costs being just as strong as recognition of the need to act further against terrorism.

This Bill was in the manifestos of both main parties, which is unusual—although perhaps not as unusual as it should be. It will clearly pass in some form, but we still have a duty to scrutinise. History shows that, when there is wide consensus on legislation, it often ends up being quite difficult legislation to make workable in practice. That is what we have to look at.

Against this background, I welcome the rethinking for which the Government have clearly been responsible with this version of the Bill. It is clearly better and more proportionate than the one introduced by my own party when in government. Equally, I believe there is a case for further thought in some areas, as many noble Lords have already noted.

Personally, I think the case for the measures in this Bill is much stronger for major events and major venues—that is, those in the so-called enhanced tier—where there is clearly a need to respond to the IOC's call back in 2018 to clarify the legal responsibilities, and where the size of events and premises, such as major halls, theatres, et cetera, requires a degree of co-ordination and pre-planning. If legislation can help in that, it is sensible that it should.

I cannot help echoing the point made by the noble Lord, Lord Anderson, about the exclusion of Parliaments, devolved Administrations and indeed schools from this legislation. I wonder whether we are seeing another example of the phenomenon of the Government imposing duties on others while excluding themselves—a point that we discussed in this Chamber yesterday.

I have three concerns about the standard tier. The first is a point that has been made by other noble Lords. I welcome the fact that the threshold has been increased to 200 but I still believe there is a case for increasing it further—for example, to 300, as the then shadow Security Minister proposed in the Commons last year. I agree with those who have asked the Minister to set out more fully in winding up just why this threshold has been chosen and what the Government see as the potential pressures, in either direction.

My second concern is the nature of the burden on small organisations. This Bill will produce a burden. Unless the threshold changes further, it will hit small organisations and voluntary organisations, particularly perhaps those that have events that occasionally go above the threshold and thus permanently come within the scope of the duty. Indeed, the fact that the Government have excluded certain categories reflects a recognition that there is a burden imposed by the Bill.

The cost of £330 annually for smaller voluntary organisations is not trivial. In effect, it pushes up the cost of insuring, say, a village hall by between a third and a half every year. For organisations that are under pressure, that is significant. I note that the Night Time Industries Association has similar concerns about smaller venues. I agree with it and others who have made the

point about the need for clarity on the relationship between the powers in this Bill and those in the Licensing Act. Perhaps the Minister could address that point as well.

My third concern is about the consequences—perhaps unintended, but arguably foreseeable—of legislating at all. When you give something the force of law you do two things. First, you increase the risk to individuals of non-compliance. As a result, you increase the risk of risk-aversion: the pressure to do more than is necessary just in case, to make sure that the law is fulfilled. In other areas, the observed behaviour of regulators is that they often encourage this through defining and spreading so-called best practice. The Bill imposes the reasonably practicable duty on the responsible individuals, but it is a subjective test, drawn from a different, albeit related, area of legislation. I think it will be subject to mission creep, as these vague forms of words often are.

The second thing you do when you create a duty through legislation is, in effect, to create an industry that depends on that regulation, that has a potential interest in maintaining and developing it and which, in practice, often has a big influence on setting and defining the levels of standard practice and in seeing them promulgated by the regulator, industry bodies and others. I think that is foreseeable in this case too, and the Henry VIII clauses in the Bill certainly give the Government the power to support that kind of mission creep over time, and to give it the force of law over time if they are so minded.

This all means that what may be a limited and justifiable burden at first may well grow over time, and that is often hard to reverse. The problem is that none of this adds to productive activity. When you give something the force of law it has to take priority over other activities. Again, for smaller businesses and voluntary organisations this means that it must often take priority over the actual purpose of that organisation. That is what giving something legal force means. When we are adding so much to the burdens on those organisations already, we have to think very carefully about the value added.

There is a particular risk in areas of voluntary activity. For example, one in eight village halls is still apparently caught by the Bill, according to the impact assessment. The risk in voluntary areas is that people are just not ready to devote the extra personal time or take the extra risk and the burden, so facilities simply close rather than take on board the burden of compliance.

I hope, and actually I believe, that the Government will not just dismiss these concerns, which came strongly out of the consultations and the evidence sessions. I hope and suspect that we will see amendments covering them, and I hope the Government will take them seriously. As the Minister noted, if and when the Bill passes it will have a lengthy pre-implementation period in which they can be addressed too.

I note that many noble Lords have asked whether the SIA is the right regulator. I note that the Institution of Occupational Safety and Health has proposed the creation of an advisory board for the SIA for these purposes, and some form of that could be well worth the Government considering.

[LORD FROST]

Let us reflect on what the Bill will do. It will mean that most businesses and organisations serving the public in any numbers need to consider the risk of a terrorist attack all the time. You may say they should, and certainly the threat, regrettably, is substantial—very high. However, even now, the risk of any individual person facing an actual terrorist attack remains extremely low. The Bill may reduce the risk slightly further as regards events or premises but, equally arguably, might only deflect it. After all, we have plenty of evidence that the risk exists in other places too, most notably on the street or in parks, both of which have been the location of serious attacks in recent years—indeed, very recently.

We cannot reduce the risk to zero through prevention measures and, as a society, we should not try. An attempt to do so may cause more harm and more problems of other kinds. To take one analogy that is perhaps imperfect but it makes the point, just as our streets have filled up over the years with street furniture, barriers, controls or whatever in a partly—but only partly—successful effort to reduce road deaths, they have also become more ugly, complex and difficult to navigate for many people as a result. The Bill may well see many public facilities go down the same route and, as we have seen from the barriers on our bridges across the Thames, once they are introduced, these measures rarely get removed.

I hope we do not have to—and I do not want to—live in a society where all our public facilities become like airports, with security checks, barriers and cordons, and with security officials barking at us if we put a foot wrong. We have already gone some way down that road. That is all the more reason to be sure that the Bill's provisions are genuinely proportionate, reduce risks in a worthwhile way and do not take us further down a path that risks never being reversed.

6.14 pm

**Baroness Ritchie of Downpatrick (Lab):** My Lords, I welcome the Bill, and the collaboration and working manner of my noble friend the Minister. The Bill is about improving the safety of the public, as stated by the noble Lord, Lord Carlile.

I am well aware, coming from Northern Ireland and having been a former public representative for a long period, of the impact that terrorism had on our local communities and people, and of how it robbed families of their loved ones, livelihoods, homes and businesses and placed many restrictions on their lives as a result of the ensuing security measures. Thankfully, political dialogue became the prime order of the day. It showed that terrorism had failed and that compromise and the Good Friday agreement succeeded. That is the issue that we have to address—the need for compromise and political development—but in many cases this new form of terrorism may not lend itself to political dialogue.

Although I support the Bill, I realise that there are some challenges, and I have some questions for my noble friend the Minister about its implementation. I am very much in favour of the concept of the protection of premises from terrorism, considering what happened in London in March 2017, when I was a Member in

the other place and we were all in lockdown in the Chamber, what happened on London Bridge and what happened at the Manchester Arena in June 2017. In that regard, I pay tribute to Figen Murray and the Martyn's Law campaign team, who have demonstrated such tenacity, fervour, diligence and determination in the face of tragedy and adversity.

However, I do not want any additional financial burdens to be placed on the owners of premises to protect their properties and restrict their civil liberties without a clear indication of adequate financial and other support measures being put in place. What assistance, including the provision of finance, will be provided to the owners of premises to ensure full protection from the ravages of terrorism? At the end of the day, there must be proportionate risk.

I have received representations from the Heritage Railway Association. In this, I am minded of my noble friend Lord Faulkner of Worcester, who chairs the APPG for Heritage Rail; I know that similar representations have been made to that group. I have a heritage railway in my town of Downpatrick, and its members feel that the Bill's provisions and its application to heritage railways are not realistic or proportionate to the risk. Many heritage railways are staffed by volunteers who operate on a part-time basis. I have also received representations from the insurance industry and from Martyn's Law, which support this legislation and want it to move forward, but I would like my noble friend the Minister to favourably consider the position of heritage railways. The Heritage Railway Association believes that the legislation is premises-based, and its guiding principle is to require different levels of terrorism protection by reference to capacity in terms of the premises. For the purposes of the Bill, heritage railways and tramways are treated like hospitality and entertainment venues, including all parts of a railway line from end to end.

I understand that a Minister wrote a letter to the Heritage Railway Association, dated 23 December, stating that a railway line itself and passengers on a train are excluded from the Bill's scope—I understand from his gesticulation that it was my noble friend the Minister on the Front Bench. I hope and believe that that exclusion may help to reduce the likely impact on some heritage railways, but I feel it needs to be clearly stated in the Bill. As it stands, the legislation would effectively place many heritage railways in the higher-capacity category, adding significant and costly compliance burdens. What assurances can my noble friend the Minister provide about this issue to assuage the fears of the volunteers in the heritage railway movement, and could they be placed in the Bill?

It is also felt that organisations including heritage, cultural and tourism attractions that rely on volunteers will face higher training costs or, if volunteers choose not to take on responsibilities required under the Bill, those organisations may be faced with the costs of engaging additional personnel to meet compliance requirements. What provision will be made for the training of volunteers and the owners of heritage and tourism premises? This factor was raised in a representation received today from the Institution of Occupational Safety and Health's personnel.

The Heritage Railway Association feels that the Bill as drafted perhaps does not address the realities of dealing with those burdens. The threshold for eligibility is too low and that could make some businesses, particularly those in the tourism and cultural sector, unviable. Perhaps the Minister could advise whether effective consideration will now be given to their inclusion on the excluded list.

Coming from Northern Ireland, I suppose there is a fear about the provisions in the Bill extending there. I would like the Minister to clarify that. Why are the Northern Ireland Assembly and Executive not included, since this issue was discussed by the Assembly commission? It has overall responsibility for the management of the Assembly and for the Parliament buildings at Stormont, so what is the issue there?

Do the provisions extend to tourism and heritage attractions? What additional assistance will be provided to the owners of premises? Will small premises be excluded, and what are the size thresholds for eligibility for businesses to comply with this legislation?

Finally, considering the political and febrile history of Northern Ireland, what discussions have taken place with the Northern Ireland Executive and the Justice Minister regarding the implications of this legislation? With the need for additional investment in police resources in Northern Ireland, what discussions have taken place with the chief constable regarding the implications and consequences of implementing the legislation, including capacity levels for enforcement?

In conclusion, I support the thrust of the Bill. I support it in its entirety because, undoubtedly, terrorism in any form is a divisive, cancerous menace in our society, and that is irrespective of where it comes from.

6.23 pm

**Baroness Newlove (Con):** My Lords, it has been so heartwarming to listen to every speaker. Every bit of wording has been correct and it is so heartwarming to hear that, after so long, we are going to have something set in stone to protect future lives.

The events of the Manchester Arena bombing are seared into our collective memory. The shock and horror that we felt as the news unfolded on our television screens remain deeply ingrained. Any act of terrorism is abhorrent, but an attack targeting an event attended by thousands of young people is an evil of unimaginable cruelty.

Today, we remember the victims: Saffie-Rose Roussos, Nell Jones, Sorrell Leczkowski—apologies, I knew I might get that wrong—Eilidh MacLeod, Megan Hurley, Olivia Campbell-Hardy, Chloe Rutherford, Liam Curry, Georgina Callander, Courtney Boyle, John Atkinson, Philip Tron, Kelly Brewster, Elaine McIver, Angelika Klis, Marcin Klis, Alison Howe, Lisa Lees, Michelle Kiss, Wendy Fawell, Jane Tweddle and Martyn Hett. These names are not just a roll call; they represent lives filled with dreams, love and potential, all cruelly taken that night. My heart goes out to their families, who will carry the pain of their loss forever. As many grieving families will attest, you never truly move on from such heartbreak; you simply learn to live alongside it.

Let us also not forget that over a thousand other concertgoers suffered physical and psychological injuries that night. Many young people witnessed death and

destruction first hand, a trauma that they will carry for the rest of their lives. The impact of this attack ripples far beyond those whom we lost.

Among those affected, as we have all said, is the tremendously courageous Figen Murray, Martyn Hett's remarkable mother. I have had the privilege of meeting Figen several times; most recently, I was privileged to present her with the Women of the Year achievement award for her extraordinary efforts to make change in her son's name. Figen is indeed an incredible and dignified lady, whose tenacity and grit are an inspiration to everyone in this Chamber. In fact, I recall her sharing how, during the trial, she was allowed to bring her knitting into court—a simple but meaningful comfort for her. As a knitter myself, I appreciated how this small act of compassion from the police and security helped her to endure the harrowing process that she listened to on a daily basis.

Despite facing her own health challenges, Figen has also achieved other extraordinary things. She walked 200 miles, from the site of her son's death to London, to raise awareness of Martyn's law—a campaign born of her pain but driven by her hope that no one would suffer as she and other families did that night.

I welcome this Bill, which has been a long time coming. If implemented effectively, it has such potential to save lives. The need for such a law is painfully clear. The Manchester Arena bombing was not an isolated incident. While successful attacks have, thankfully, been fewer since 2017, the threat of terrorism has not gone away. Only last year, Assistant Commissioner Matt Jukes, the UK's most senior counterterrorism officer, warned:

“It's hard to remember a more unstable, dangerous and uncertain world”

and that Britain faces

“the most acute period since the Cold War”.

As the tactics of terrorists evolve, so too must our strategies to combat them. Over the past decade, we have seen a shift from centrally co-ordinated, sophisticated plots to decentralised and crude attacks. Individuals radicalised by hatred are prepared to inflict unimaginable violence on innocent civilians, as we saw only last month. This changing landscape presents significant challenges for our law enforcement agencies yet without adapting our approach, we leave ourselves vulnerable. The greatest power of this Bill lies in its ability to increase public and corporate awareness of the threats that we face. It mobilises all parts of society to respond to the ever-changing risks of terrorism, helping us become more resistant to attacks and more resilient as a nation.

I understand the concerns about whether the requirements of this Bill are proportionate. I too would not wish to see businesses burdened with unnecessary regulations and more red tape. However, the measures outlined are far from excessive. The duty created by this Bill is tiered, balancing the risk of a potential attack against the capacity of premises. Smaller venues expecting 200 to 799 attendees would be required to implement simple, practical steps to protect the public. Larger venues expecting over 800 attendees would be required to take more robust measures to prevent attacks. Manchester City Council has already demonstrated the feasibility of implementing the principles

[BARONESS NEWLOVE]  
of Martyn's law. Licensed businesses in the city have embraced these measures, and feedback indicates that they do not find them unduly burdensome when it comes to cost or time.

There has been debate about the threshold for the provisions of this Bill. The initial proposal, as we have heard, was a threshold of 100 attendees, but the Government have set it at 200, while some amendments have even sought to raise it to 300. My concern is that the higher the threshold, the less effective the Bill becomes. I would welcome the Minister's explanation for the Government's choice of 200 as opposed to 100, which was originally proposed.

The Bill represents such a vital step in addressing the persistent threat of terrorism. Its provisions are reasonable and proportionate, and its potential to save lives is immense—after all, is that not what we are here to do today? By supporting this legislation, we honour the memory of those lost and injured in the Manchester Arena bombing, ensuring that their legacy is one of action and progress. I am delighted to see such cross-party support.

It has taken all these survivors and families to get us where we are today. I would like us to recognise that they all have three things in common in their lives: fortitude, tenacity and sheer guts. They have the fortitude to stand no matter what, the tenacity to stick with it, and the guts to deal with whatever and whoever stands in front of them and puts up another barrier. This sums up the energy and the passion it takes for anybody to come to Parliament and say it as it is, for legislators to truly understand. This sums up Figen Murray and all other campaigners. The pain never leaves you; I know what it feels like. I am delighted to take part in this debate and honoured to speak about those who cannot be with us today.

6.32 pm

**Baroness Harris of Richmond (LD):** My Lords, I too thank the Minister for introducing this Second Reading debate, and I speak to support the Terrorism (Protection of Premises) Bill, otherwise known as Martyn's law.

This is practical legislation that will empower communities to fight the ever-present threat of terrorism. Indeed, the need for this Bill and its contribution to the UK's counterterrorism response cannot be understated. Since May 2017, the UK's security services have stopped 42 late-stage terror attacks, there have been 15 successful terrorist attacks, there are 800 live investigations for terrorism offences, and there are 2,500 subjects of interest and 30,000 persons who are taking an unhealthy interest or curiosity in this area. These are not my figures; they come from the police and the director of MI5.

The nature of the terrorist threat facing the UK is changing and it is imperative that we have a comprehensive and robust approach to protecting our communities. We need look only at the recent vehicle terror attacks at a Christmas market in Magdeburg, Germany, and in New Orleans and other places since—to which noble Lords have referred—to see how vulnerable public locations can be. Copycat atrocities are being seen all too often.

Martyn's law, as we have heard, is named after Martyn Hett. Martyn was one of 22 innocent victims murdered in the 2017 terrorist attack at the Manchester Arena. This has been campaigned for by his mother, Mrs Figen Murray OBE, referenced by most noble Lords. Mrs Murray is not just a grieving mother, as the noble Baroness, Lady Newlove, has already mentioned; she understands terrorism and the complexities surrounding it only too well. She has never looked for sympathy, and she holds a master's degree in counterterrorism. She is a quite remarkable woman. I am most grateful for her personal help in preparing this speech and will refer to her again shortly.

I also thank Mr Nick Aldworth, a former counterterrorism national co-ordinator, who has given me excellent advice, and Mr Brendan Cox, the husband of Jo Cox MP and founder of Survivors Against Terror, who has been involved with this Bill throughout.

Although this is one of those rare pieces of proposed legislation that comes before us after being driven forward by private citizens, it is not unique. Nevertheless, it is hugely important and imperative. As we have heard, the Bill has entered this House after years of development, which has included contributions from our security services, counterterrorism policing officers and experts from across the security industry. Its very existence was recommended by Sir John Saunders—already referred to by my noble friend, if I may, Lord Carlile of Berriew—as a finding of his extensive inquiry into the Manchester Arena attack. It has not just been developed on a whim; it is deadly serious and involves the safety of millions of people. This legislation has been the subject of two rounds of public consultation and pre-legislative scrutiny by the last Government's Home Affairs Select Committee. By any measure, the Bill arrives before us having been well considered and refined in response to the views of the public, which is demonstrated by the wide cross-party support in the House of Commons.

Chief among these considerations has been to make the Bill a proportionate contribution to countering terrorism. Its standard duty requires premise operators to establish highly achievable procedures that will make businesses more resilient to terrorist attacks. In most cases, these procedures will be at no cost to the premises, as they simply require the creation of a plan for how they will respond to an act of terrorism. Only those that derive their revenues through having the greatest numbers of people on their premises will be expected to do more, through the enhanced duty. This will require them to take measures that will stop acts of terrorism being successful at their premises.

Wise choices about the scope of the law's application have been made. Proof of the Bill's proportionality is that there are 1 million premises in the UK to which this law could apply. A sensible threshold, I believe, of 200 persons present being the point at which premises engage with the law means that only 180,000 of those premises are now in scope. These are the places where we gather to commune, socialise and be educated or cared for. The people who use these spaces deserve to be protected. I anticipate that some in this House might consider 180,000 premises to be an example of overregulation, but I suggest that those in London and Manchester in 2017, and those on the streets of London,

Birmingham, Manchester and Belfast in the 1970s, would probably take a very different view. They might suggest that 180,000 premises is not enough.

The Bill recognises and respects those different views of the threats we face. In recognition of the ebb and flow of terrorist intentions, it contains a sensible mechanism through which the Secretary of State might vary this threshold in times of need. Dynamic threats require dynamic responses, and the Bill supports that. It takes an encouraging approach to enforcement, with the creation of a new regulatory role within the Security Industry Authority, which I was pleased to see. I know that my late dear friend Lady Henig would have been delighted to see the authority she chaired so ably involved in its implementation. I echo the calls to ensure that the SIA has the ability to fulfil its new enhanced role.

There is a clear declaration in the guidance notes to the Bill that the regulator will act as

“an educator in the first instance”.

This is a further recognition of a proportionate approach. However, if the premises operators wish to be reckless with the safety and security of others, the Bill has the teeth to encourage compliance.

The eighth anniversary of that terrible attack in Manchester will be on 22 May this year. Mrs Murray told me:

“No legislation was put in place to enforce security at that time. There was no legislation to mandate that venues keep people safe. There are laws about the number of toilets venues must have; laws about noise levels a venue is allowed to create—but nothing to help keep people safe”.

This is a good Bill, with good intentions and good outcomes, which my party wholly supports. It has been tailored to proportionately meet the needs of those affected by it, and it will serve to make this country stronger and more resilient. I commend it to the House.

6.41 pm

**Lord Hogan-Howe (CB):** My Lords, I support this legislation, which commemorates the lives of terrorist victims from the past and obviously intends to reduce the chances of more deaths and injury in the future. Therefore, for all the reasons that have been described, it has my full support. It is the latest manifestation of the UK counterterror strategy Contest, which is there to Prevent, ideally stopping people becoming terrorists; to Pursue, so that, if they do become terrorists, they are locked up and put before the courts; to Prepare, so that, in the event that terrorists get through, we make sure that we recover as quickly as possible; and to Protect—that is this strand—the targets that terrorists may find the most attractive.

For a long time, where people have gathered in large numbers, venues have tried to reduce either the likelihood of an attack getting through or, if one did get through, the damage caused. But I am afraid this has been inconsistent and has lacked an evidence base on which to operate. In my view, this is the ideal opportunity to make sure that does not happen.

I will make only five points. I will first briefly respond to some of the points raised. There is clearly a debate about where we should draw the line: it could be 200 or 100, and some people prefer 300. I would be

careful about altering it from 200. In 2018, at the request of the royal commission in New Zealand, I visited to look at the terrorist attacks on the Christchurch mosques, when 51 Muslims were murdered and 84 other people were injured. They were two small mosques—small in the numbers of people who gathered but terrible in the outcome of what happened when one man with an automatic weapon swept through them. So I would be really careful. Of course, they were places of worship. Although there is an exclusion in this legislation for places of worship, the fact that they are places of worship can actually amplify the target. Thousands of people can gather at—and do visit every day—some of our national venues such as Westminster Abbey. We have to be really careful before, in trying to accommodate their difference, we leave people who visit more vulnerable.

Secondly, I raise something that is not directly relevant, although it is relevant to the issue of communication in emergencies. The Minister may want to reassure himself about the latest level of the Airwave project, which is now eight years late, running at £12.5 billion and has no procurement in place to deliver the new system. It is indirectly impacting on the ability of the emergency services to respond to these terrible events together. We all ought to take this seriously, and it is worth at least contemplating when considering this legislation.

The noble Baroness, Lady May, raised a good point about who is in charge when emergency services attend. Is it the people who are already running the venue? There is some good experience there post the Hillsborough event, and the *Green Guide* makes some clear recommendations about how this happens at football grounds. Rather than reinvent this, it may well be worth at least considering the advice there.

On CTAs, the noble Lord, Lord Harris, got it right: there are very few of these people across the country, and they will need enhancing. There are tens of them throughout England and Wales, and I suspect that, given the number of premises involved here, there will have to be a significant investment to make sure that can go forward in the future.

The first of my five points is to support the point from the noble Baroness, Lady May, on design. This is about the design of new buildings, of course, but also the retrofitting of existing buildings. Design can help to reduce the number of attackers, can help to reduce the impact of attacks and can allow people who can escape to do so—or keep them safe where they choose to be. But this needs some clear thinking. Our shopping malls are open plan—they are not compartmentalised—but it is possible to design them so that they could become compartmentalised in the event of an attack. But it is not straightforward, as this place found out when PC Palmer was murdered. Do you lock down or do you open up? If you open up, where do you go and how do you communicate with people? Of course, people are in a panic and are not always able to hear you clearly. What advice will you give them when you at the time are not sure exactly what is happening? These are very difficult problems, but design can play a major part in making sure that we give the people who are operating these places a good opportunity to respond as well as they can.

[LORD HOGAN-HOWE]

Secondly, on technology, many of the venues that we are talking about—not the smaller ones, perhaps, but even some of them—have CCTV. We often have debates in this place about the horrors of AI and the terrible things that facial recognition can do, but actually it can do some pretty remarkable good things as well. If CCTV is available at some of our bigger venues—think about ExCeL and some of our big shopping malls such as Westfield in London, of which there are two—it can play an important part in spotting unusual patterns of behaviour in individuals. AI can assist with that, but I argue that the Bill is silent about how it might help. I will come back to why I think it is particularly important that it says something about this.

Facial recognition is another great opportunity. I am not necessarily talking about randomly checking people's faces and whether they should be there or are terrorists. I am talking about checking them against lists of people who we know are dangerous: terrorists on control orders, people who have been released on parole from a terrorist sentence, or people on bail who have not yet been charged. These are significant characters, and I guess that any operator of a significant venue would like to know whether they have bought a ticket to some of these events, are strolling around their car parks or are carrying out reconnaissance in the days preceding their attacks, as we saw in New Orleans, to make sure that they are as effective as they can be.

How do we enable our CCTV to be as effective as it can be? If we cannot get this right for counterterrorist legislation, we will struggle to get it right for volume crime and general surveillance of public areas. This is a live debate, and we should not go to one end of the spectrum and say that AI and facial recognition are always bad. They can be, but they can also be incredibly effective, and we should not dismiss technology just because we occasionally have some concerns about privacy.

The third thing that I urge the Bill to say something about is different regulatory bodies. As we have heard, the venues are covered by different regulatory bodies: the Health and Safety Executive, local authorities looking after football grounds and some of the venues for alcohol licensing, and fire brigades, which inspect these places too. So there is a chance that they approach the same problem inconsistently—not intentionally, of course. We need to make sure that all our regulatory bodies approach these issues consistently and do not end up giving inconsistent advice—not least given that we have many local authorities but intend to give this to one national body, the SIA.

Of course, the methods of security are regulated by other people, too. The SIA already regulates the security operatives who work at these places. The Biometric Commissioner has interests in how data is collected, and the Data Protection Commissioner has an interest in privacy, while the Surveillance Commissioner has an interest in how all those systems come together. I would argue that we need them to consider the terrorist threat in a wide, not a narrow, way and that, when we come to things such as facial recognition or AI application, we need them to give consideration in a generous, not a narrow, way.

At the very least, we need the venue operators to know that, when they are trying to get agreement on how they operate their systems, they will get an open hearing and they do not have to approach the same problem in 172,000 ways—because there are 172,000 venues out there that will have to resolve some of these problems. Of course, the smaller ones are larger in volume, but some of the bigger ones are pretty high in numbers, too. So we need to consider at this stage how the various regulators are going to work with this legislation and make sure that it works effectively.

My fourth point is about research. We have already heard concerns about whether the SIA will be well equipped by the time this Act comes into force, and I can understand why those concerns are there. It is a relatively small organisation and there have been mistakes in the past: security operatives have had convictions for manslaughter and we have seen various things that have not gone well. But that could be said of many public organisations—so it can learn and it can improve. But the Bill is silent on where it is going to get its advice. It will of course need good research and academic support to work out how to deal with a crowd that is panicking. There is a science in this. We have had to see it through football matches and learn how to deal with large crowds, and how crowds respond. So I should like to hear a little more about how it is anticipated that the SIA will get its advice and develop research over time, because it seems to me that it should be able to develop commissions of research so that it can respond to new problems—because new terrorist attacks will come up and it will be vital that the SIA is dynamic and responds to the new threats.

My final point is about powers of search. At the meeting earlier, I said that you might think, “Well, that's just what policemen say, isn't it? That they need a power of search”. But my point is that all these venues often have security operatives. Sadly, in the Manchester attack we saw that the terrorist who attacked entered at the end of the event into an area that was not protected and was not being excluded, and was carrying the device that murdered so many people. But of course, if some of the security operatives had tried to approach and deal with him, they had no power of search. It is expected that security operatives are able to search as a condition of entry to the premises—you either get searched or you do not come in. But of course some of these people are trespassers—not all are terrorists—and with some people you cannot be sure whether they have a right to enter. So I wonder whether it is worth thinking about whether security operatives should have some kind of right, because the alternative is that you have to call the police, which will be inefficient; it will be slow and might be too late. So we should give some consideration to security operatives' powers, used properly and reasonably, in a way that enhances security.

Finally, I realise that, on some of my points, the Minister might say, “Well, actually, there's going to be advice issued and there will be secondary legislation”, so I am quite content that some of those points might have to be covered there. But I would argue that some of the regulatory issues need to be considered in the Bill because, if the regulator is faced with controlling legislation that gives it very clear direction and is then

faced by secondary legislation that gives advice, it may have to go with its first statutory, primary legislation. So it is worth saying something about this in the Bill to help the other regulators. Things such as stop and search would certainly need primary legislation: in my view, it should not be the subject of secondary legislation, if it is considered applicable.

My final point is that I wish this Bill speedy progress, as the Minister said, so that we can implement it quickly. Although I agree that two years is a good period in which to implement it, in that we want to build the credibility of the SIA and make sure that the businesses are ready, I would keep an open mind that, if the businesses and the SIA achieve that more quickly, we should implement more quickly, too. Two years is quite a long time and we are already saying that the terrorist threat is high. Those two years could be a time in which we have some awful attacks that could have been prevented had we all got our act together a little earlier. So I would keep an open mind about the implementation date, should the evidence show that in fact the systems are ready and we are able to implement more quickly.

6.54 pm

**Lord Parkinson of Whitley Bay (Con):** My Lords, it is a pleasure to follow the noble Lord, Lord Hogan-Howe, who made some very wise points based on his considerable experience in this area. I, too, very much support this Bill. Like other noble Lords, I remember all too well the night of the Manchester Arena attack during the 2017 general election, as well as the generous and defiant response of the people of Manchester, as the right reverend Prelate rightly reminded us in his contribution. We all remember today with admiration Martyn Hett and his mother, Figen Murray. As the briefing note from Survivors Against Terror puts it, Martyn was living his best life—as were the other 21 victims who lost their lives that evening and the more than 1,000 people injured in that appalling attack.

It will not surprise noble Lords to know that I associate myself with everything that my noble friend Lady May of Maidenhead said, or that I take the opportunity to pay tribute to the diligent and dedicated way in which she reacted to evil acts such as this, and how she and others worked with the brilliant men and women of our law enforcement and intelligence agencies to prevent others like it.

While the Prevent and Pursue elements of the Contest strategy, to which the noble Lord, Lord Hogan-Howe, alluded, receive considerable attention sometimes, it has always seemed to me that the Prepare and Protect elements receive comparatively less, especially when one considers that these are the elements in which so many more of us can play our part. We need a whole-society response to countering the ever-present and evolving threat of terrorism. The owners and operators of cultural and heritage venues want to play their part in that solemn task, and they take their responsibility very seriously. My purpose in speaking in this debate today is to reflect some of the points they have raised with me and other members of the shadow Culture, Media and Sport team regarding how they can do that most effectively. In particular, I am grateful to those who took the time to join my right honourable friend

Stuart Andrew, the shadow Secretary of State, and our colleagues for a round-table discussion about the Bill last month, as well as the cultural and security professionals I had the pleasure of speaking to at the International Arts and Antiquities Security Forum in County Durham in October.

It is clear from talking to those people that there is nervousness about the Security Industry Authority's ability and capacity to act as the new regulator in this area. The role envisaged by the Bill, as noble Lords have noted, is quite a departure for that organisation, which already has a mixed reputation in the sector. Is the Minister satisfied that the authority has the resources and expertise—and indeed the confidence of the sectors it will be regulating—it will need to succeed? Has it begun its engagement with the people who are on the front line in each of the varying sectors it will be regulating? This Bill has been long in gestation, as noble Lords have reminded us; the authority does not need to wait for Royal Assent to begin engaging with the people who have the practical knowledge about how it can best be implemented.

In the absence of that sort of engagement, as my noble friend Lady May said, these organisations will be bombarded with consultants. Indeed, a number of those whom we spoke to in our round-table discussion said that they are already being contacted by what one described as “snake oil salesmen” purporting to advise them on how to implement a Bill that has not yet become law. Of course, many of those organisations have dedicated professionals who have worked out detailed and well-considered plans to maintain the safety and security of those who visit them. Those plans are, by necessity, sensitive and confidential documents, and many are wary of sharing them externally, even with a new regulator, potentially opening them up to new vulnerability. Therefore, it is vital that the new regime that this Bill brings about enjoys the confidence and support of those with whom it will work.

A number of speakers mentioned the tiers that the Bill sets out. A capacity of 800 or more tips a venue into the enhanced tier, so a moderately sized theatre such as the Lyric or the Noël Coward becomes in the same category as Wembley Stadium or the Glastonbury festival. I welcome the exemption that the Government have introduced for churches and other places of worship, but there may be a case for more granular tiering, or perhaps a super-enhanced tier for the very largest venues and events.

The seasonality of venues is also worth considering. A venue which is extremely busy for only one day, or one part of a year, such as a live music festival or an annual sporting event, would stay in the enhanced tier for 365 days of the year. There is also the complexity of multi-event venues. For instance, a conference or exhibition hall, such as the ExCel centre, which has been mentioned already, might stage a number of different events, of different sizes, all at the same time. Are these to be considered separately or counted cumulatively?

The Bill defines the premise operator as the freeholder or leaseholder, and the event organiser as the entity overseeing the delivery of an event. As the Society of London Theatre and UK Theatre have pointed out, a number of theatres operate within multipurpose venues,

[LORD PARKINSON OF WHITLEY BAY]

such as university complexes—Northern Stage in Newcastle is one example. The Society of London Theatre and its members can provide useful insights into these operational differences and how they might be overcome; how can we make sure that the SIA takes account of this practical, first-hand advice?

A number of speakers raised concerns about physical thresholds—the grey areas or “zone Ex” as people leave venues. Where do the boundaries of a venue’s responsibility begin and end? The Bill seeks to enhance security measures in what it refers to, but does not define, as “the immediate vicinity”. The vicinity of an event space, including transport routes and the public realm, is, by definition, beyond a venue’s perimeter and control. As LIVE, the body representing the live music industry, has set out in the briefing noble Lords will have received, event organisers and security personnel have no jurisdiction over crime and disorder in the public realm; only the police do. That needs to be reflected in the Bill. In particular, LIVE argues that the SIA should not be allowed to serve a notice requiring action outside the premises or outwith the control of the person who is being served the notice.

UK Theatre also raised the concern that external measures, such as bollards, should not get in the way of the essential operations of our cultural venues. The public space around a theatre can be essential for its operation. The changing of sets, where equipment for one show is dismantled and another installed, is critical, particularly for plays in repertory or an opera, where a number of productions are staged simultaneously.

As the noble Lord, Lord Anderson of Ipswich, set out, we need to ensure consistency with existing legislation, such as the Licensing Act 2003, and data protection laws. Many venues have seen the burden of complying with subject access requests relating to the use of closed circuit television rise exponentially. If they are being encouraged to make greater use of CCTV, which can provide protection to the people who come to their venues, or indeed facial recognition technology, as we have just heard, what support will they be given to comply with data protection regulation and the potential burden there?

Many venues operate as franchises. On whom do the new duties fall? Will these be on the parent company or on the franchisees? Who ought to pick up the bill for compliance? All this speaks to a need for sector-specific guidance but, as the sectors understand it, that is not currently planned. Is that the case? If so, will the Minister urge the SIA to reconsider that? I echo the very reasonable request of the noble Lord, Lord Carlile of Berriew, that the guidance that it is minded to prepare should be made available before Committee.

Finally, we must be mindful of the burden on the venues and organisations that will play their part in this important new law. Many are run not for profit while others are very small businesses in which profit margins are extremely tight: 43% of grass-roots music venues in the UK made a loss in 2023, to give just one example. They are reliant on a mixture of their own full-time staff, contactors and volunteers. They are squeezed already by the additional burdens of the new and higher national insurance bills that the Budget brought. For this Bill to work and to make the difference

that we all want it to, the duties that it places on businesses and venues need to be practicable, effective and proportionate. I hope that these are aims we can keep in mind as we scrutinise the Bill further.

7.04 pm

**Baroness Fox of Buckley (Non-Afl):** My Lords, it seems appropriate that we are discussing the Terrorism (Protection of Premises) Bill today, on the 10th anniversary of the Charlie Hebdo massacre in Paris. Armed with Kalashnikovs, two Islamists, enraged by the satirical magazine’s depiction of the Prophet Muhammad, stormed into a workplace and murdered 12. There was a memorial protest at Trafalgar Square this morning: well done to the organisers, OurFight.uk, and all attendees, because it is important that we do not forget.

Ten years ago, “Je suis Charlie” rang out as an international call to action in defence of the Enlightenment principle that no idea, belief or figure is beyond scrutiny or satire. We were united then against the culture of fear that Islamist terrorism was trying to impose on free speech and a free society. Sadly, within months, too many liberal apologists in the arts, literature and media started to argue that the cartoonists had been a bit too offensive to Muslims, and that perhaps the staff were asking for trouble. Since then, terrorist atrocities have become too normalised in European cities, in my opinion.

I am all for any measures that tackle terrorism head-on, but I have concerns about this particular legislation. I have heard the message to this House from Dan Jarvis, Minister of State at the Home Office, who, to quote him, gave

“a gentle word of encouragement to colleagues in the other place”,—[*Official Report, Commons, 9/12/24; col. 758.*]

meaning us, calling for consensus and stressing that the Bill should proceed smoothly. That sentiment has been echoed here today, and in the letter from the noble Lord, Lord Hanson, who has urged us to deliver without further delay.

I am also aware of the emotional weight on our shoulders here. The Bill has been called Martyn’s law, as we have heard, in honour of Martyn Hett, who was so brutally and tragically murdered in the Manchester Arena attack in 2017. I am very conscious that these legal changes have been vigorously and compellingly argued for by Martyn’s mother, Figen Murray, for years, as we have heard. Despite the undoubted admiration that has been expressed here today for Figen’s courage and determination, I think we need to take a step back.

Our obligations as legislators means that we need to remain cool and dispassionate in bringing in laws, ensuring that legal changes are fit for purpose and proportionate, and that we consider the unintended consequences. In that sense, I agree with the noble Lords, Lord Anderson of Ipswich and Lord Frost, that however emotional this might be, and however serious it is, we have to be cool-headed. There are certainly points of concern and clarification that need to be probed during the stages of the Bill, and we should not have undue haste.

On a positive note, I welcome some modifications that this Government have made to the Bill. I am glad that concerns raised in consultations and pre-legislative



scrutiny were listened to, especially the raising of the standard tier from 100 to 200, which will remove a large number of village halls, for example, from scope. I actually disagree with Figen, Brendan Cox, Nick Aldworth and the Martyn's law team, who urged us, in a briefing today, to return to a starting threshold of 100. I am rather concerned that the Bill gives the Home Secretary discretionary powers to lower it to 100, without any clarity as to what might justify such a move.

I am pleased that education settings are now classified as standard duty premises regardless of capacity, although I am rather mystified that universities and higher education institutions are not included. We have already seen the way that the costs of security measures have been used as an excuse to close down debates on university campuses. The last thing we want is to turn universities into fortresses against public debate in any way.

It is positive that the Government claim to want a lighter-touch approach but, as we know from bitter experience, any powerful national regulator can lead to mission creep, and the paraphernalia around regulation is what worries me. I assure the noble Baroness, Lady May—though it is not reassuring—who is not in her place, that the consultants she talked about are already queueing up at the doors of those of us who organise events, offering to give us cheap advice on how we can comply with this law.

I declare an interest here. The Academy of Ideas, of which I am director, organises public events and debates ranging from our annual Battle of Ideas festival, now in its 20th year, which attracts thousands of members of the public, to more modest salons, seminars and panel discussions. We work with a wide range of venues of all shapes and sizes. The Bill will impact on our work through the potential added costs in hiring venues, liability, bureaucracy, et cetera.

More crucially, the aim of our work is to reinvigorate the public square and cultivate political and social engagement, for all ages but particularly for young people, at town hall-type gatherings, to open up conversations for the public with the public in public. That broader public square may be adversely affected by this law if we do not keep our eye on it. Civil society, people self-organising and getting together and grass-roots gatherings risk being curtailed. We need to think hard when we are told by small venues and event organisers, such as voluntary organisations and community groups, from church halls to small football clubs, that people will be put off volunteering by too much regulatory responsibility and paraphernalia. We need to probe what the consequences of such legal burdens could be in terms of loss of community infrastructure and assets.

In the most recent consultation, many respondents still expressed reservations about not just the financial implications and the fear of big fines—you cannot underestimate that—but the time spent on burdensome and bureaucratic admin. Venues are worried about their ability to meet legally mandated requirements with the limited resources available to them. There is genuinely some panic about how people will cope.

The Home Secretary, Yvette Cooper, was spot on to note that the Protect duty must not be so prescriptive as to prevent people enjoying normal life. Yet consider the plethora of venues swept up by this law: pubs with

beer gardens, swathes of the hospitality industry, which is already on its knees, libraries, museums, galleries, entertainment venues and even childcare facilities—lots of places where people socialise. These are places where normal life happens. I appeal to her idea that we must ensure that, although it might not be the intention of the Bill, there are no consequences which will lead to a more restricted public square and more impoverished normal life; otherwise, the terrorists win.

The Minister says that the Bill will save lives. That is quite a “gulp” moment. We need to be clear about whether it does. We are told that it will lead to a reduction in terrorist attacks or less vulnerability to them, but it is a bit disconcerting that the House of Commons Home Affairs Committee report and the Regulatory Policy Committee both queried the lack of evidence about whether the proposals will lower the threat of terrorism. Will lives be saved? I am still not convinced.

I understand the explanation about the changing nature of the threat, with DIY lone wolf attacks emerging out of the view of the security services, but if this means that greater swathes of public space can be possible targets, where anything can be used as a weapon—we think of the lethal use of the car in the recent awful New Orleans and German Christmas market attacks—is a focus on protecting bricks and mortar not rather missing the point? But if everywhere is a target and everything is a weapon, how will we avoid living in a police state? The worry is that the legislation could lead to energy being expended on a process-driven, box-ticking approach that may miss, for example, the deeper cultural and social challenges that we face.

It was harrowing to read in Sir John Saunders' Manchester Arena inquiry, which others have commended and which is crucial to this discussion, about the preventability of Salman Abedi's suicidal atrocity and the catalogue of failures in the months and even hours before he detonated that terrible bomb at the Manchester Arena. Venue regulation formed only a tiny fraction of Sir John's recommendations. It seems pertinent to look at what the first volume of the inquiry told us about security at the venue.

In plain sight, Abedi was lurking around the arena for an hour and a half, acting suspiciously. We are told that he looked shifty and nervous and was fidgeting, carrying a huge, bulging rucksack and praying. One of the waiting parents, Christopher Wild, was so alarmed that he reported concerns that Abedi might be a bomber to security guards at 10.14 pm—16 minutes before the explosion happened. Mr Wild was fobbed off.

Maybe the training in this Bill would make those guards act differently. But let us also remember that we know from the inquiry report that one guard was suspicious but did not confront Abedi because he was “fearful of being branded a racist”.

This points to the dangers of narrowing the threat of terrorism to organisational or technical issues. It suggests that we need to tackle more difficult challenges, such as the corrosive creed of identity politics, that can act as a barrier to acting on our instincts or using common sense for fear of being demonised—or recognising that promiscuous use of accusations such as “racist” and “Islamophobic” can paralyse individuals in society from doing the right thing. As we are all vividly aware

[BARONESS FOX OF BUCKLEY]

at present, myriad local authorities, social workers, educationalists, care home staff and police officers failed to expose or intervene to stop gangs of men of largely Pakistani heritage committing industrial levels of rape and sexual abuse of girls throughout the UK, for fear of appearing racist, stirring up community tensions or being seen as—maybe I should not say this—jumping on a far-right bandwagon.

This Bill will not work if we do not confront that chilling impact of trepidation about speaking out over suspicions, exposing the ideologies fuelling and inspiring modern-day terrorism and doing the right thing. Je suis toujours Charlie.

7.16 pm

**Lord Faulkner of Worcester (Lab):** My Lords, it has been a humbling experience to sit through this debate and listen to every speech, for a number of reasons. The most important is the degree of expertise from all over the House from so many different angles—whether the police, the Church of England, former Ministers, lawyers, academics or other experts—who are united on the purpose of this Bill and want to see it work and for it to be brought into effect as soon as possible. I share that view completely.

I will, though, as the Minister will know, raise a subject which I hope he can be even more helpful on tonight than he has been in private meetings about it. I declare my interest as president of the Heritage Railway Association, which represents around 200 lines and railways around the country. They are run largely by volunteers but attract several million visitors a year and make a major contribution to the tourism economy.

The title of the Bill makes it clear that it is to deal with the security of premises: buildings like the Manchester Arena, profitable organisations running huge events for thousands of visitors with the paid resources to provide comprehensive security protection for visitors and the professional expertise to manage it. I wholeheartedly support that aspect of the Bill.

However, I underline the points made by my noble friend Lady Ritchie of Downpatrick about the heritage rail sector. I am sure the drafters of the Bill did not have in mind when they were putting it together the case of a small country station run by a handful of volunteers and providing a unique visitor experience, which is just able to cover its costs, often with the help of generous donations from those who work on the railway. Originally it looked as though the Bill would treat the big arena and the small station the same. If that had happened, it would certainly have undermined the future of some—maybe many—railways already reeling from the escalating cost of fuel and raw materials. But, importantly, the Minister has moved on that, which I welcome.

Like the noble Baroness, Lady Ritchie, I talked to Robert Gardiner, the chairman of the Downpatrick and County Down Railway, one of the member railways of the HRA, which has a long history of dealing with the very real terrorist threats that existed in Northern Ireland for many years and has direct experience of being used as part of a terrorist plot in the past—fortunately, directed not at its passengers but, sadly, at the British Army.

Mr Gardiner made the point that the railway is happy to work with the security authorities to protect the safety of the railway and its passengers without special legislation, but the crucial words are “reasonable” and “proportionate”. They are the key words for the small and impecunious volunteer organisations which need to be supported and taken account of in the consideration of the Bill.

There is a case for the security of heritage railways to be dealt with in the same way as for the national rail network in Great Britain, which is outside the scope of the Bill because its security is managed by the Department for Transport through the national rail security programme. This programme does not currently apply to heritage railways but there are many similarities, particularly at the around 40 stations used for interchanges by both heritage and mainline railways. I hope the Minister may be able to give me some encouragement that they at least will be treated alike and that the heritage sector will not be treated any differently.

The Minister was kind enough to write to me on 23 December. It was actually to me that he wrote just before Christmas, not to a Member of the House of Commons. He clarified in his letter some of the areas where doubt existed. He told me that the Home Office has decided that while heritage railway stations should be included within the scope of the Bill, rather than covered by the Department for Transport’s national rail security programme, the Bill would not apply to the trains themselves nor to the railway line linking the stations—again, an important assurance. That was very helpful in making the scope of the Bill clearer, but it would be more helpful still if that clarification was included in the Bill. I hope the Minister may be willing to consider this in the later stages of the Bill’s passage.

There is the question of stations. They are not big structures like a concert hall but are generally a collection of small buildings of a former country station, more akin to a sports ground with a pavilion, which could actually be exempt from the Bill. It would be really helpful if that could be recognised in the schedule dealing with premises to include enclosed buildings but to exclude open platforms or those covered simply by an open canopy.

A proper transition period is important, and the Minister has agreed to that. I was originally going to ask him for two years rather than one year, but he has already made it clear that that is the Government’s intention. A proper transition period is important because budgetary provision will need to be made for training and physical works as well as for undertaking the analysis of risk as newly defined, and for carrying out the work. So that is helpful, and I warmly welcome it.

I am particularly grateful to the Minister for his courtesy in convening the all-Peers meeting yesterday which I and a number of your Lordships attended. He is aware of the concerns that I have and has listened carefully to them, and I hope that the modest amendments I have proposed to table will clarify and make the Bill more workable and less onerous on smaller enterprises which would otherwise struggle with it. He encouraged me to table amendments for Committee and I intend to do so.

7.23 pm

**Lord Udny-Lister (Con):** My Lords, the very fact that we are discussing this topic today highlights that we are living in dangerous times and that we have a fundamental problem in this country when it comes to security.

Government's first and foremost duty has always been to protect the public, and while the Bill laudably aspires to do just that, as with any draft legislation of this magnitude, there are a significant number of areas that require much greater clarity and careful scrutiny as the Bill progresses through your Lordships' House.

I fear that I am going to sound a little more negative than many speakers this evening. I fully acknowledge that the Minister has considerably improved the Bill from some of the early drafts I have read, and he has gone a long way to answering a lot of the questions, but there are still a number of very difficult issues.

I start by touching on the changes the Bill proposes to make to the Licensing Act 2003. I fear that the House needs better to understand from the Minister how the integration of security duties into licensing requirements could place additional responsibilities on local councils, or on the already pressured court and enforcement systems. While councils and councillors are more than accustomed to managing licensing regimes, the Bill could impose further burdens on already under-resourced councils, including the need to oversee compliance with enhanced security measures. I therefore ask the Minister to outline how the Government intend to support local authorities with these changes, and what will be expected of the courts or existing local authority licensing regimes in implementing the proposed changes.

Furthermore, we need to better understand how the Security Industry Authority and the Licensing Act will work together to ensure there is no duplication or conflict. Co-ordination between these frameworks, and their practical implementation, will be critical. If the Government intend to use the SIA, there is a real risk of overlapping responsibilities with other bodies, and the Bill as drafted does little to explain how these responsibilities will be allocated. Will the Government provide clearer guidance on how the organisations involved in the implementation of the Bill will work together, rather than hinder one another, and how will the Government ensure that they support the bodies that will have new powers or responsibilities under the legislation?

If the SIA is to become the regulator for this new duty, we must consider the practical implications. How will venues and event organisers differentiate between inspections for compliance with this duty and standard SIA inspections? I am particularly concerned about the powers of entry. If my understanding is correct, SIA inspectors do not currently operate under the Regulation of Investigatory Powers Act 2000, so the Government will need to clarify whether they or another body will be granted additional powers for the purposes of the Bill, or whether these inspections will rely on existing frameworks.

If the power of entry or RIPA will not be used, who will be the authority responsible for ensuring that building owners comply? Surely the courts and councils

will not have these responsibilities, unless more funding and resources—particularly for training provision—are provided by the Government. The House would benefit from the Minister's clarification of these points, as the need for security measures must always be balanced with the need to ensure that the rights and liberties of both businesses and individuals are protected and maintained.

I also worry about the cost of the Bill and the financial burden that the draft legislation could place on businesses across the UK, which are already working to balance the books under extreme rising costs. To implement these requirements, businesses face costs of between £3,000 and £52,000. As a result, some businesses could be unable to afford to adapt. I am therefore seeking today from the Government an understanding of any finance that may be available to support businesses with initial adaptations to the legislation.

Additionally, I would like to hear from the Government about the possibility of improving planning law—either through this Bill or through additional means—to ensure that the design of new buildings both complies with this legislation and ensures that we can design out terrorism, as we have been trying to do over the past decade or so in designing out crime.

I would be interested to know whether, on the back of this Bill, councils will therefore be encouraged to consider such measures in assessing planning applications, and whether the Government are minded to bring in new legislation or statutory provisions on the incorporation of counterterrorism measures into the design and construction of new buildings. While this is not directly related to the Bill, the House needs better to understand how the Government plan to move forward in this area.

Some measures in the Bill may be necessary; they are a sad acknowledgment of the reality we face in Britain today. However, when it comes to anti-terrorism measures, or indeed measures to protect the public from terrorism, I cannot help but feel that we are firefighting an industrial blaze with a water pistol. It is deeply disheartening that we must legislate for protections against acts of terror in spaces that should be open, safe and welcoming to all. We have seen horrific acts committed in recent weeks and the fabric of our cities and venues changing in the face of the onslaught of people who seek to exterminate the existence of our values and destroy our way of life.

Today we are discussing how venues will have to share the burden of responsibility when it comes to countering terrorism. The additional burden in both time and expense that this will place on them prompts an important question: what steps are the Government taking to address the root cause of terrorism in this country? We cannot go on adapting our way of life to constantly counter those who wish to cause us harm. The Government should urgently update this House on what is being done on a society-wide basis to root out terrorism and the cause of terrorism in these islands.

We know from past and recent cases here in the UK that terrorism is not born in a vacuum. Terrorism in Britain today is fuelled by ideological extremism, social dislocation, weakness in our immigration and asylum

[LORD UDNY-LISTER]

systems, and a lack of trust in and respect for authority. Local authorities across the UK have a vital role to play in countering these root causes, yet many have faced significant challenges, particularly when it comes to resources. I am therefore keen to understand, in the wake of the reorganisation and creation of combined authorities, who will be responsible for countering terrorism at community level and how they will do it. I therefore seek clarity today from the Minister on what powers and resources government will hand over to reformed or devolved local authorities—particularly elected mayors—to ensure that they can effectively address the underlying factors that allow terrorism and ideological extremism to breed as an undercurrent in many communities across the UK. As we all know, it is far better to cure and we must grasp this problem before it is too late.

I welcome some of the intentions of the Bill. However, as it progresses, it is essential that these key areas are addressed to ensure that the legislation is both workable and proportionate, and that we balance protections with freedoms. We owe it to those whom we seek to protect, and to the venues and organisations tasked with implementing these measures, to provide them with a clear, fair and effective framework. I fear that we have a lot of work to do when it comes to clarity on what is being asked of whom, and the indirect consequences of this legislation. We must therefore provide businesses with support and certainty, and I urge the Government to listen to the concerns raised by industry in this regard.

In finishing, I say that I do believe that the legislation is significantly better than where it was before; I just feel that this House needs to do a lot more scrutiny.

7.33 pm

**Baroness Goudie (Lab):** My Lords, I very much welcome this Bill, as well as the discussions in the other place and what Minister Jarvis said. I am so pleased that it has come to this House speedily. I thank all of those who sent me briefings, who have been in touch with me and with whom I have had meetings, including Figen Murray and her colleagues.

Doing nothing is not an option. The public can be, and have been, targeted at a wide range of public venues. The terror threat is not predictable. Attacks are hard to deflect. Everyone needs to be part of the measures to keep people safe. “Reasonably practicable” is in the text: that is a familiar foundation of health and safety. However, as so often, there are concerns about an additional responsibility being imposed on local authorities without necessary resources—or proportionality, which is the key in the case of bodies with considerable resources and more liberty to resource. The measures in the Bill are proportionate: they are the result of two very extensive consultations, pre-legislative scrutiny and the legislative process so far. They are not unduly onerous and they have proceeded smoothly so far.

However, for local authorities, we have to find a way of giving them further support. We must ask whether there should be an extra way in the planning department, without having a planning Bill, through which we could amend planning legislation—perhaps

through statutory instruments—to make this support go hand in hand with this Bill, without having to delay everything. We also have to look at resources for local authorities, because we know how strapped they are. This is a necessary and essential part of our day-to-day life. This should lead to speedy conclusions, legislatively and in terms of resources.

It is already almost eight years since the Manchester Arena attack and the attacks on London Bridge and Borough Market. As the Chief Coroner recommended after those attacks, protective security must be enhanced and duties must be clarified, with appropriate guidance on the implementation of duties and an assessment. As public authorities need to work together, there has to be joined-up partnership between private security firms, the police, local authorities and government. This cannot be done in silos; it has to be joined together. The more I have listened to colleagues today, the more I know that it is correct to recommend that we try to have this working together.

We must consider the reality of places and spaces, with consideration of terrorist attacks becoming part of planning procedures. We also have to ensure that there is more training for staff on how to use CCTV cameras. Staff have to check that they are actually working and that there are not just blank tapes inside. There has to be proper training and we have to work out how it will be paid for. It also has to be linked to the police and so on.

I know that there is a working relationship between private security and the police, but it now has to be stronger. As many Members have said today, we also have to consider the cost of consultants. We need to have a list of the consultants and to identify who are just working on the back of a brown envelope. That is very important because many lives are at risk.

Physical protection measures are only one part of the necessary security measures; they are component parts and embody an important principle. The owner of a public space has the responsibility for the safety of the public. This is an important piece of the counter-terrorism measures; it is paramount that it is included.

I have previously thought about something that my noble friend Lord Harris said about the protection of schools. Perhaps we could look at schools with local authorities, which could work joined up with the Department for Education and some other bodies. We have to look at both primary and secondary schools. We have been relatively lucky so far that we have not had in the UK what we have seen in other parts of the world, but we have to be conscious that this could happen in any state school, religious school or wherever else. We know that this could happen—I am sorry to say that. My noble friend’s recommendations are very important.

Also, in all places of worship, this is becoming more important than we have previously thought. We go to church, to synagogue or wherever else, and we do not really think about this. We just go in, see our friends, wander around and leave—but we know now, the more that we think about it, that we could be at risk. There needs to be some training, but that has to be linked to the police and the local authority; it should not be left to churches and other religious

spaces to work out for themselves how this should be done using private security and other advice. That is very important. Resources must all be joined up together. This Bill could use statutory instruments—but not in the long term—to make this happen. I am interested to hear what the Minister has to say.

7.39 pm

**Baroness Hamwee (LD):** My Lords, I declare an interest, having for a long time been a member of the board at the Rose Theatre in Kingston, the capacity of which is over 800 when you include staff, volunteers and performers. I declare the interest because I still refer to them as “us” and “we”.

There is a lot of experience in the Chamber today, among not only the speakers but the people listening too. My experience is minor, but because I feel quite affected by it, I am declaring it as an interest as well. On 7/7, when the Mayor of London was in Singapore, after the announcement about the 2012 Games, the officers at City Hall told me that I was the most senior politician in the building—I was chair of the assembly at the time. I realised rapidly that the officials needed someone to report to, and that my role was to be supportive and make sure that those in operational roles were able to get on with the job without any interference from people such as me. That was my big learning from that. Subsequently, the London Assembly looked at communications on the day, including the role of the media. I echo a good deal of what the noble Baroness, Lady May, said about communications.

It was inevitable that words such as “balanced” and “proportional” would be used a good deal today, and they have been used by those who have made representations to us. What they mean to the user is of course affected by where that person is looking from. I would add the words “objective” and “measured”. It may be difficult not to focus on the most recent event, but not every situation is coverable and the Bill does stop, or seek to stop, all terrorism.

As my noble friend Lady Suttie made clear, Liberal Democrats support the Bill. Personally, I would have preferred the title to mention people, or at least the Bill to give them some priority over premises, because this is about people. I welcome the amount of consultation and general work in the lead-up to this. That needs to continue, as many noble Lords have said, including in the preparation of regulations and guidance. I accept that regulations will be needed. I do not think that from these Benches we will be quite as critical about regulations as we often are—although we reserve the right to be a bit of a nuisance.

I asked the Rose Theatre for its views, and it gave me only about three lines. Basically, it said that it wants easy to follow guidance. It will not be entirely easy, because events differ, numbers of volunteers and casual staff differ, incidents differ, and there are different factors and responses required—evacuation or invacuation—and the right response may be counterintuitive. Premises do not follow a single pattern, and the Bill extends beyond buildings.

At this point, I ask the Minister if the Government have in mind further clarification of the term “in the vicinity”. That is clearly troubling owners and operators

as to how far their responsibility extends and what, in practical terms, they can do. It troubles me because of consequences for compliance and, perhaps, insurance cover.

We have made it clear that our principal concern is about training. I have seen the letter from the Security Minister to my honourable friend Ben Maguire MP, which says that guidance will signpost a range of suitable free training offers. I am interested in the term “free”. I know that it is envisaged that the SIA will provide a good deal of guidance, but like other noble Lords I think that the legislation seems to create quite a market for trainers, not all of them as skilled as they would present themselves. I gather it is not envisaged that the SIA will have to approve training programmes or trainers. I would like to explore at a later stage whether there is scope for some sort of franking approval, so that it is the properly skilled consultants who are relied on, as it is likely that people will think that it is the responsible thing to do to get in someone to make sure that they are doing the right thing.

The SIA is in a pivotal position—again, the noble Baroness, Lady May, talked a good deal about this. Under Clause 12, it is to prepare guidance about how it itself proposes to exercise its functions. I find “guidance” a rather curious term here. It is to have extensive powers. For now, I will just mention non-compliance penalties: the maximum of the greater of £18 million and 5% of qualifying worldwide revenue. That is an awful lot of power. It also suggests quite a lot of scope for avoidance through how accounts are structured and gives the SIA a lot of scope in determining—the word is how it “regards”—what comprises revenue. The noble Lord, Lord Frost, mentioned the briefing we received today from the Institution of Occupational Safety and Health. It raised some of these points about how the SIA will operate, given its new functions, so can the Minister say something—anything—about its governance?

On insurance, perhaps I am too cynical in envisaging the scope for squabbles about the extent of cover and exclusions relating to alleged non-compliance and the assessment of what is “reasonably practicable”, but I think I have a fellow cynic sitting across the Chamber from me at the moment. I may also be too cynical about legislating for co-ordination and co-operation, but I do not think this is a novel provision.

Related to this, I share the concern of the noble Lord, Lord Carlile, about Clause 31, which provides that the Bill gives no right of action in respect of non-compliance. I do not really understand how this can work. One question is whether non-compliance can be used in evidence in civil proceedings. The noble Lord shrugs his shoulders—exactly; that will not show in *Hansard*, I am afraid. I also want to pursue the observations of the current Independent Reviewer of Terrorism Legislation on Clause 18—he refers to a number of provisions and queries their impact—and on Clause 32, as it affects alterations to thresholds. He draws attention to the shortcomings of unamendable regulations, which the noble Lord, Lord Anderson, mentioned. If it would be helpful for the Minister, I would be happy to table amendments for these matters to be discussed in detail later rather than today.

[BARONESS HAMWEE]

Planning and licensing have rightly been mentioned, but perhaps we should add building regulations, which may be more relevant on a day-to-day basis. Various organisations have raised concerns about the costs, and we have heard what the Minister had to say on them. We must acknowledge the burden, including costs, which local authorities will incur.

The Government's explanation for the particular treatment of places of worship is that they, to quote the Minister's letter,

"are different to other premises ... in being readily accessible and welcoming to all, without the same commercial drivers ... usually having no restrictions on entry, or staff routinely present."

A lot of community organisations would say, "Well, that's us too." The noble Lord, Lord Hogan-Howe, had quite a lot to say about this; I agree with very much of what he said. The Government also refer, with regard to places of worship, to

"developing measures to better mitigate threats through local police engagement",

but that must also apply across the board. Of course, a lot of places, particularly places of worship, have their own security arrangements.

Recently, I visited a synagogue that I had not been to before. Its entrance was not easy to spot, but the Muslim cab driver who took me did spot it. He said, "It must be here: I can see the security". If there is a danger in this Bill, it is perhaps that people will see the regime as a complete substitute for other measures, including their own common sense. There will be points raised in the form of amendments because it is what we do here, but from these Benches, supporting the Bill, our amendments will be because we want to see the Bill as clear and effective as it can be.

7.49 pm

**Lord Murray of Blidworth (Con):** My Lords, as my noble friend Lord Udny-Lister identified, the principle that the first duty of government is the protection of its people is one that is redolent in this legislation. In an era when terrorism remains a persistent and evolving threat, as the Minister and the noble Lord, Lord Harris of Haringey, both noted, it is essential that we equip ourselves with the tools necessary to mitigate risk and enhance public safety. This Bill, by introducing a Protect duty, sends a clear message that safeguarding our citizens in public spaces is a shared responsibility. As the noble Lords, Lord Carlile and Lord Hogan-Howe, noted, this legislation completes the triangle of counterterrorism law and, indeed, it gives substance to what was previously a thinner field in the Prepare and Protect arena, as identified by my noble friend Lord Parkinson. All in all, this Bill is a significant step, but its practical implications warrant close scrutiny.

One of the most encouraging aspects of this Bill is its emphasis on partnership. Public safety cannot be the sole preserve of law enforcement or the intelligence services. Venue operators, local authorities and private security firms, together with the owners of establishments covered by this Bill, all have a role to play. However, to make this partnership effective, we must ensure that all stakeholders are properly equipped to meet the challenge. This includes access to training, resources and clear

guidance on best practices. Prior to implementation, the Government should establish a comprehensive support framework to help businesses and organisations meet their obligations under this legislation. I understand that this is planned, but we have yet to have the detail. I have no doubt that the Minister will provide further detail on that in due course.

As was so well put by my noble friend Lady May of Maidenhead, the noble Lord, Lord Browne of Ladyton, and a number of other noble Lords around the House, there are significant concerns about the identification of the Security Industry Authority as the regulator in the context of this Bill. It may be that there are other bodies—for example, local authorities—which would be better at providing this regulation, and there may be an argument that it is consistent with the roles in respect of licensed premises. However, that can be explored further in Committee. At the least, as moved in the other place by my honourable friend Alicia Kearns, we believe that there should be a report reviewing the role of the Security Industry Authority as the regulator, to be laid before Parliament 18 months after Royal Assent. This would allow stakeholders to review and provide input on the appropriateness of the Security Industry Authority enforcing the measures in this Bill—in due course again reviewing whether their enforcement is done properly and to appropriate standards and ensuring that people attending venues are safe.

We also need to be alive to preventing the expansion in costs caused by gold-plating the provisions in these Bills in accordance with suggestions by consultants, about which we have heard so much across the House this evening and was particularly noted by my noble friend Lady May and the noble Lord, Lord Carlile.

In passing, I endorse the call by the noble Lord, Lord Carlile, that the House be shown at least outlines of the draft guidance, which is suggested in the Bill at Clause 12(2)(a), to be generated by the SIA, and the guidance to be generated by the Secretary of State in Clause 27. I also endorse the call that the Government provide an indication as to whether such guidance would be sectoral, for the reasons identified by my noble friend Lord Parkinson in his speech.

As the noble Lord, Lord Hogan-Howe, stated, the Bill provides an opportunity to leverage technology in our fight against terrorism. Advances in surveillance systems, AI and data analysis can play a critical role in identifying threats before they materialise. I therefore encourage the Government to look at ways to encourage innovation in this area. Could we, for example, incentivise the adoption of security technology? Could we establish a recognition scheme for businesses that go above and beyond in their security measures and in relation to measures and steps taken to address the problems in communication, as noted, again, by my noble friend Lady May and others? Such initiatives would not only enhance public safety but encourage a proactive security culture.

As my noble friend Lady Newlove made clear, one of the hallmarks of our society is the freedom of our citizens to gather and enjoy public spaces without fear. It is vital that, in our pursuit of public safety, we do not inadvertently stifle the very freedoms which we seek to protect. If I may echo the powerful points

made in different ways by the right reverend Prelate the Bishop of Manchester and the noble Baroness, Lady Fox of Buckley, that is another way in which terrorism wins. This Bill must not lead to an environment of excessive regulation or create barriers for community events. It is all a balancing act.

I therefore ask the Minister to clarify how the Government intend to monitor and evaluate the impact of this legislation, post commencement, on civil society and volunteering. This goes directly to the issue which I have no doubt we will explore in Committee as to the threshold. I agree with many of the observations of the noble Lord, Lord Anderson of Ipswich. The House will want to look both at the threshold and at the power of the Secretary of State to lower that threshold.

Terrorism knows no borders, and our approach to security must reflect this reality. While the Bill focuses on domestic venues, we must not lose sight of the international dimension. The UK has a proud history of leadership in counterterrorism co-operation. How will the measures in this Bill align with broader international efforts? Are we sharing best practices in relation to the protection of public spaces with our allies and learning from their experiences? This exploration of factors is all part of the cool-headed approach encouraged by the noble Baroness, Lady Fox of Buckley, and I would endorse such an approach in Committee in this House.

Finally, I highlight the importance of community resilience. No piece of legislation can be a substitute for an engaged and vigilant society. This Bill provides an opportunity to foster greater awareness and preparedness at grass-roots level. Simple measures such as public awareness campaigns and community training programmes can make a significant difference. Empowering ordinary citizens to recognise and report suspicious activity is one of the most effective ways to prevent attacks.

The Terrorism (Protection of Premises) Bill is now a necessary piece of legislation. It reflects our commitment as a party to safeguarding the public and addressing the challenges of the modern age. However, as my noble friend Lord Frost observed, we must ensure that this Bill is implemented with care and foresight by fostering partnerships, embracing innovation, safeguarding freedoms and preserving community volunteering. We can create a security framework that is not only robust but reflects our values. We on these Benches look forward to working with colleagues across the House, as we have done hitherto, to ensure that this Bill delivers proportionately the protections that all our citizens deserve.

I have a few final questions to pose to the Minister. What assurances can the Government provide that businesses and venues will have sufficient time, importantly, and resources to comply with the new requirement before the penalties are enforced? Will implementation take place only when the relevant authority, possibly the SIA, is able to cope with the implementation of the provisions in the Bill? It may be that 24 months, although it is a period that has found some favour in the House, may not be long enough for the SIA to arrange its affairs such that it can administer the system. Is it right that the regulator would adopt a pragmatic and understanding approach to enforcement,

particularly at smaller venues, at the outset of the commencement of the Bill's provisions? Secondly, will there be specific government-funded training programmes to help smaller venues understand and meet their obligations under the Bill? Thirdly, is it intended that the new measures will integrate with other existing counterterrorism efforts on intelligence sharing and operational co-ordination?

On a specific point, there is a provision in the Bill for enhanced-tier premises to submit revised security plans to the SIA whenever they are changed or created. As my noble friend Lord Parkinson noted, there are concerns about the routine provision of these highly sensitive documents to the SIA. Would it not be better simply to have a dip-sample approach, such that every premises has to update its plan and make it available for a spot check by the SIA? This would have the benefit of reducing the administrative burden on both the participants and the SIA. No doubt that can also be explored in Committee. Finally, will the Government keep these measures under review to ensure they continue to strike the right balance?

While I look forward to the Minister's responses, I also look forward to continuing the co-operative and iterative cross-party process that the Bill has hitherto enjoyed. I am sure that it will achieve its vital aims effectively and fairly in the end. It is a matter of grave regret that we need to have such a Bill, but it is clear, given the present and enduring terror threat, that we need such a Bill.

8.02 pm

**Lord Hanson of Flint (Lab):** I am grateful to all noble Lords for their contributions in the House today. There has been a great deal of expertise and reflection shown, and the serious issues that have been addressed demand a serious response from the Government.

I particularly thank the noble Lords, Lord Murray and Lord Davies of Gower, for their broad support from the Opposition Front Bench, and the noble Baroness, Lady Suttie, for her similar approach to cross-party agreement. There may be some areas that we need to look at and examine between us, but I am grateful, and the House and public need to know that there is a broad support for the Bill from the House.

I start with the contribution of the noble Baroness, Lady Newlove, because she mentioned victims and they have to be at the heart of our consideration in the Bill. The reason for this Bill is to prevent more victims in the future, as she mentioned.

The noble Baroness, Lady May of Maidenhead, held very high office at the time of this atrocity, and I could tell from her contribution how that impacted her and she carried it upon her shoulders. She is one of the few people who has seen the vast vista of the impact of this on individuals, the community and the Government.

I was struck also by the speech from the right reverend Prelate the Bishop of Manchester. In reflecting on the impact on his city, he also reflected on something that came out of the contributions of all Members, which is the spirit of this nation and that city to ensure that we have integration and a positive approach to our society, and that we do not bow down to terrorists

[LORD HANSON OF FLINT]

or their threats but do what the noble Lord, Lord Murray, said, and uphold the security of our people as the first tenet of good government.

Figen Murray has been mentioned and we have focused on her great efforts, but I think she would also recognise Brendan Cox and others who have supported her, and I want to refer to them from the Government Front Bench. The noble Lord, Lord Carlile, and the noble Baronesses, Lady Harris of Richmond and Lady Fox, also mentioned Sir John Saunders, chair of the Manchester Arena inquiry. He deserves our credit and support for focusing the minds of the political class on the solutions to this problem. He said in his report:

“Doing nothing is, in my view, not an option”,

which was repeated by my noble friend Lady Goudie, and he is right: doing nothing is not an option.

Today, after seven years in gestation, two consultations, a Home Affairs Select Committee report and the power of Figen Murray and her campaign team, we have brought to this House and the House of Commons a Bill that will, I hope, address the issues raised by Members and deliver the prevention of victims that began with the contribution of the noble Baroness, Lady Newlove.

Your Lordships made a number of points and I will try to cover them in broad terms. The points that I will try to address are cost, guidance and communication, enforcement and the SIA, the threshold issue, exclusions, the terror threat and a number of other individual issues that I will come to in due course.

First, I hope I can give confidence to my noble friends Lord Browne of Ladyton and Lady Ritchie that the devolved Administrations were involved in discussions on this at administrative and ministerial level, and will be during the passage of the Bill and in particular during its implementation in due course. But the issues that have been raised are important and I will try to address them in the time that I have.

The cost to business was mentioned by the noble Lords, Lord Frost, Lord Udny-Lister, Lord Anderson of Ipswich and Lord Davies of Gower—in his Front-Bench contribution—my noble friend Lady Ritchie, the right reverend Prelate the Bishop of Manchester and the noble Baroness, Lady Harris of Richmond. The reason we decided to reduce the number of venues in scope was to ensure that costs are proportionate and do not fall on a range of bodies that it would have been disproportionate to hit.

The changes that we made to the Bill that was produced earlier have taken the number of properties or venues in scope from 278,900 to 154,600 in the standard tier and to 24,000 in the enhanced tier. Overall, the costs have therefore decreased from the estimated £2.17 billion over 10 years to £1.83 billion. For standard-duty premises, we estimate the cost to be around £330 per year, in time and money, and around £5,210—not £52,000, which I think one contributor mentioned—for enhanced-duty premises. Those are the costs, but our focus to prevent victims and to ensure that we put in place some preventive measures is relative. We have tried to assess costs and ensure that the Government take as light a touch as possible to achieve our objectives, while acknowledging that obviously there will be some costs.

We have to take these actions. I appreciate the potential difference of opinion between the noble Lords, Lord Frost and Lord Udny-Lister, and me about some of the burdens—as they described them—but I regard this as an important issue of the security of people who use these venues. Therefore, that is a burden, like many other burdens in society, that we have to accept, adopt and adapt to. That is one of the reasons we have tried to make it as limited as possible.

The second issue that was raised was that of guidance. The noble Lords, Lord Davies of Gower and Lord Parkinson of Whitley Bay, and the noble Baroness, Lady Suttie, all mentioned guidance. Guidance will be set down by the Government on the requirements of the Bill. We will publish it as soon as possible, but I do wish to get it right. I cannot give a timescale on the guidance at this point, because I want to make sure that the Government undertake engagement with key stakeholders across relevant sectors, in industry and in government, to support our understanding of the Bill and the ultimate Act and to address any questions posed.

Guidance was also linked to training. Following pre-legislative scrutiny, it was determined that we did not want to prescribe specific training obligations that applied to both tiers, and that that was not necessary or desirable, but it is entirely reasonable that practical procedures and measures are implemented. Therefore, we will be looking to issue guidance in due course to support identifying suitable training opportunities in an effective and cost-effective way for the individuals concerned. In fact, the noble Baronesses, Lady May of Maidenhead and Lady Harris of Richmond, and the noble Lord, Lord Murray, mentioned that.

There has rightly been a debate about the SIA enforcing and having the ability to oversee this potential legislation. First and foremost, the SIA has a full regulatory approach to this matter. There is a two-year implementation period. That goes back to the point made by the noble Lord, Lord Carlile, and the noble Lord, Lord Murray, from the Front Bench. The noble Lords, Lord Udny-Lister, Lord Browne of Ladyton and Lord Parkinson of Whitley Bay, and the noble Baronesses, Lady Suttie and Lady May, all mentioned that aspect of the role. We have set out the powers of the SIA in the Bill. It will be given powers to gather information, to inspect premises for such events and to ensure that we assess compliance with powers of entry and interview, consistent with other regulatory regimes.

The SIA will be accountable to Home Office Ministers. This Government have four and a half years left of their term, and this legislation will be implemented after a two-year period as a potential minimum—it may be longer. We will implement the legislation only when the SIA is ready to adopt that role. Home Office Ministers such as myself and my honourable friend Dan Jarvis will be accountable for the performance of the SIA in the period up to it taking on that role, so that the Home Office can make sure that it does the job we want it to do. The SIA has already been engaged in this, it obviously knows the Bill and the direction of travel, and it is working with senior officials in my department to bring forward proposals. It is important that we give the SIA that power.



We can undoubtedly debate this issue further during the passage of the Bill, but we can already understand how the SIA deals with the security industry. Guidance, support, training, point of contact and the inspection regime are issues we will work through and no doubt discuss further in Committee and at Third Reading, but they are solvable and, with political ministerial control, will be about delivery. It is not about passing legislation but delivering an effective mechanism that has that balance between inspection, guidance and training. It is not about setting up an organisation that is not fit for doing that job; we want to make sure that this is a good job done. I hope that will reassure a number of noble Lords who have raised this issue.

The impact of the threshold has been a key issue. The noble Lord, Lord Anderson, with his experience, mentioned that, as did the noble Lords, Lord Hogan-Howe and Lord Frost. The Government have to take a decision on this. Some people have argued for 300 as a minimum threshold, and some for the original figure of 100. I have heard a number of other figures put into the domain at different times. We have had to settle on a figure, and that of 200 is in response to the consultations and the feedback we have had. We have therefore taken out a large number of properties that would have been in the scope. The threshold is something we just have to settle on. I am hopeful that, for all the reasons that have been mentioned, we do not focus so much on the threshold but on the Bill's ability to encourage good practice as a whole. But we are where we are with the threshold, and colleagues will have to look at that.

The noble Lord, Lord Parkinson of Whitley Bay, mentioned the 800 figure and the understandable issue that it is in use for maybe one day a year, and there are different thresholds on other days, for perhaps even a month. We have to have a settlement, and we are trying to make things simple. If we had a different regime for different days or months of the year for organisations that might have an 800-plus threshold on certain days of the year, that would overcomplicate the regime we are trying to introduce and create more implementation difficulties downstream. I hear what the noble Lord says, but I hope that he can also hear what I am trying to say about the simplicity of a regime as a whole.

The noble Lord, Lord Anderson, referred in private discussions, and today on the Floor of the House, to the powers of the Secretary of State—I wrote “SOS” in my notes, and it sometimes it feels like an “SOS” in this job. The noble Baroness, Lady Fox of Buckley, and the noble Lords, Lord Anderson and Lord Murray, also mentioned the power of the Secretary of State to make those changes. I have heard what individuals have said, but, again, we have had to make a judgment that, at some point, the Secretary of State might need to look at what has happened with the wider terrorist activity in the country and make a determination accordingly. We can revisit that, I am sure, in due course.

My noble friend Lord Harris of Haringey, the noble Baroness, Lady Harris of Richmond—there are too many Harris— the noble Baronesses, Lady May, Lady Newlove and Lady Hamwee, my noble friend Lady Ritchie and the noble Lords, Lord Carlile, Lord Hogan-Howe and Lord Udney-Lister, all mentioned the wider terrorist threat. There is a growing threat, and New Orleans, Germany and the 10th anniversary

of the *Charlie Hebdo* attack have shown us that that terrorist threat moves. There is a public responsibility, as the noble Lord, Lord Carlile, said, supported by the noble Baroness, Lady Hamwee, for all of us to be vigilant about how that threat evolves.

There is a need for us to look at long-term conflict resolution, as my noble friend Lady Ritchie mentioned. There is a need to look at all the terrorist strategy elements that we can, including facial recognition, AI, and stop and search, as the noble Lord, Lord Hogan-Howe, mentioned. Those are all part of the issues we need to look at in the wider terrorist prevention field, which are, in a sense, separate to the Bill but are still drivers for all the reasons why the Bill is necessary. I take that on board and we can have further discussions in due course.

A number of specific issues were mentioned, which I will try to cover in the short time I have left. The first is the issue mentioned, quite rightly, by the noble Baroness, Lady May, and the noble Lords, Lord Carlile, Lord Hogan-Howe, Lord Udney-Lister, and others, about how we design and build terrorist activity out of buildings in new build—it is an extremely important point. The National Planning Policy Framework—the devolved Administrations have their own national policy frameworks—already includes security considerations, as appropriate for new builds, to ensure the health and safety of communities. But I will consider and take away those points as they are very important. They are not in the scope of the Bill but it is important that we talk to the appropriate Ministers in the Ministry of Housing, Communities and Local Government, and in the devolved Administrations, just to make sure that we are on the ball on those issues.

The noble Lord, Lord Hogan-Howe, and the noble Baroness, Lady Hamwee, mentioned the issuing of instructions and the overriding of the tenets of the Bill by the emergency services on the day. It is not the intention of the Bill to have the responsible person, in the event of a terrorist attack, not follow the instructions of the most senior person in the police, fire or other agency that arrives on their doorstep. I make it clear from this Dispatch Box that in that co-operation the lead person should be the responsible professional officer who deals with this on the day. I hope that reassures noble Lords who raised the issue.

We have had some correspondence and discussion around why places of worship are treated differently. We have taken a view—again, it is challengeable in this House but we have—that 200 or more individuals present should be a standard tier impact issue for places of worship, because they play a unique role in our community and across the country. Although they are not invulnerable to attack, I hope that we will continue to work with faith communities to look at how we can help support them in any vulnerability on terrorist issues. I know that is an important issue.

The noble Lords, Lord Frost and Lord Harris, and the noble Baroness, Lady Goudie, asked why schools are treated differently. There are existing safety and safeguarding policies and procedures in place, such as access control measures, lockdown, and evacuation procedures for schools, so we have not tried to impose further burdens because that is good practice that they are already following.

[LORD HANSON OF FLINT]

I will reflect on the question of exclusions mentioned by the noble Lord, Lord Anderson, including this building as a whole, if he will let me, and write to him in due course about those particular issues.

On the civil liability issues mentioned by the noble Lord, Lord Carlile, and others, the Bill provides for new requirements on those responsible for qualifying premises, and the effect of Clause 31 is only to prevent these requirements giving rise to a distinct right of action in civil proceedings. I reassure the noble Lord that no provision in the Bill seeks to remove or limit current civil liability. The noble Lord is looking at me quizzically. The lack of time means that we do not have the opportunity to discuss that in detail now but there will be opportunities to discuss that in due course outside this Chamber.

On the issue about railways, raised by my noble friends Lady Ritchie and Lord Faulkner, I wrote to my noble friend Lord Faulkner on 23 December, as he knows. I hope that has satisfied him but, if it does not, we can potentially look at it further. Heritage railways will be in the scope of the Bill—but the buildings, not the railways, if that helps.

The noble Lords, Lord Anderson and Lord Udny-Lister, mentioned licensing conflicts. The licensing regime is separate. There are different regimes; we do not believe the two regimes will conflict.

On the question raised by a number of noble Lords—they know who they are; I will not list them all—about local authorities, in line with established good practice on new burdens assessment, we will undertake an assessment on that, which is in progress and will be discussed and taken forward further.

Finally, I give thanks to those who have contributed and those outside this House who have put pressure on political leaders to make these changes. To extend a hand of friendship to the noble Lord, Lord Murray, who said as his first words today that the first duty of Government is public safety—I agree. The first duty of this Bill is public safety. The first duty of this House is to help prevent further terrorist atrocities. We want to understand what has happened to date. We want to take action. The Bill will, I hope, ensure that with all the other measures the Government take, we are putting in place a further deterrent to terrorist offences and giving hope to people that we can honour the memory of those who died in Manchester in 2017, including Figen Murray's son, Martyn Hett. I commend the Bill to the House.

*Bill read a second time.*

#### *Commitment and Order of Consideration Motion*

*Moved by Lord Hanson of Flint*

That the bill be committed to a Committee of the Whole House, and that it be an instruction to the Committee of the Whole House that they consider the bill in the following order: Clauses 1 to 4, Schedules 1 and 2, Clauses 5 to 12, Schedule 3, Clauses 13 to 34, Schedule 4, Clauses 35 to 38, Title.

*Motion agreed.*

*House adjourned at 8.23 pm.*